

CITY OF SAN ANTONIO

Zoning Commission Agenda

Cliff Morton Development and Business Services Center
1901 S. Alamo Street
First Floor

March 17, 2009
Tuesday, 12:45 PM

ZONING COMMISSIONERS

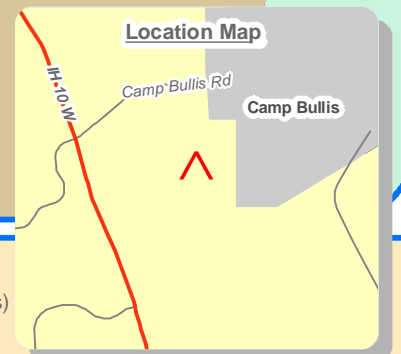
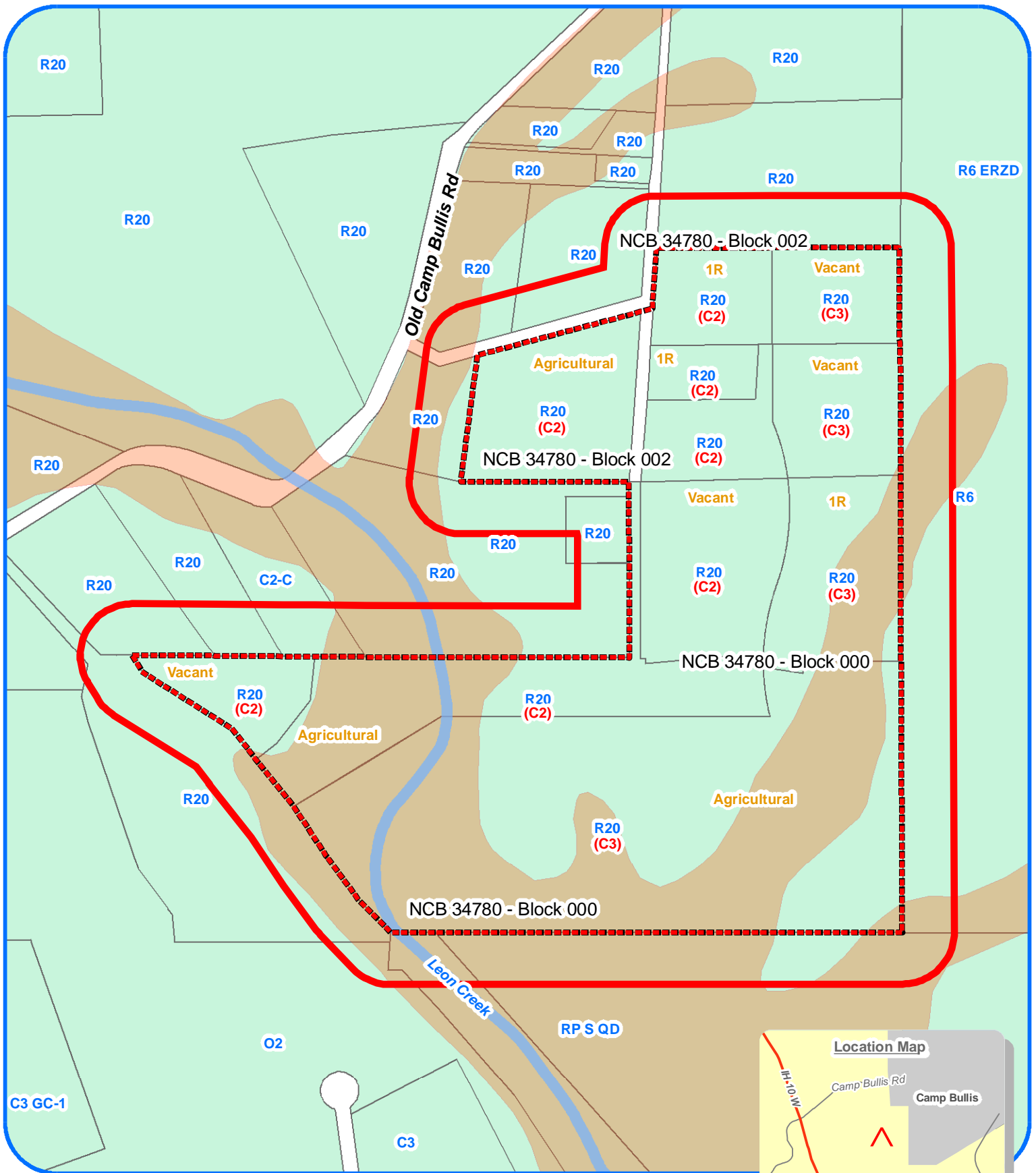
Michael Westheimer – District 1	Jody Sherrill – District 7
Barbara Hawkins – District 2	Ramiro Valadez, III – District 8
Jim Myers – District 4	Susan Wright – District 9
Joe Valadez – District 5	Milton R. McFarland – District 10
Christopher Martinez – District 6	James Gray – District Mayor
Don Gadberry – District 3	
Chairman	

1. 12:45 P.M. Tobin Room - Work Session discussion of policies and administrative procedures and any items for consideration on the agenda for March 17, 2009.
2. 1:00 P.M. Board Room– Call to Order
3. Roll Call.
4. Pledge of Allegiance.
5. Approval of March 3, 2009 Zoning Commission Minutes.
6. **ZONING CASE NUMBER Z2008014 - POSTPONED:** A request for a change in zoning from “R-20” Residential Single Family District to “C-2NA” Commercial, Nonalcoholic Sales District (16.108 acres), “C-2” Commercial District (44.535 acres) and “O-1.5” Mid-rise Office District (43.621 acres) on 104.264 acres out of CB 4780 (NCB 34780), 5914 Old Camp Bullis Road. (Council District 8)
7. **ZONING CASE NUMBER Z2009018 ERZD CD:** A request for a change in zoning from “MF-25 ERZD” Multi-Family Edwards Recharge Zone District to “C-2 ERZD” Commercial Edwards Recharge Zone District (1.69 acres) and “MF-25 ERZD CD” Multi-Family Edwards Recharge Zone District with a Conditional Use for an Office (15.39 acres) on 17.08 acres out of NCB 17725, 17120 Bulverde Road. (Council District 10) Pg. 5
8. **ZONING CASE NUMBER Z2009029:** A request for a change in zoning from multiple zoning districts to multiple zoning districts to add the Military Lighting Overlay District (MLOD) on all properties within three (3) miles of the exterior border of the Camp Bullis Training Site and within the City of San Antonio municipal boundary. (Council District 8) Pg. 17
9. **ZONING CASE NUMBER Z2009042:** A request for a change in zoning from “C-2” Commercial District to “C-3” General Commercial District on 8.76 acres out of NCB 18560, 7000 Block of Bandera. (Council District 7) Pg. 23

10. **ZONING CASE NUMBER Z2009048 CD:** A request for a change in zoning from “R-6” Residential Single Family District to “O-1 CD” Office District with a Conditional Use for a Day Care Center on the north 48 feet of Lot 3 and the north 8 feet of Lot A, Block 1, NCB 3267, 222 Pleasanton Road. (Council District 3) Pg. 27
11. **ZONING CASE NUMBER Z2009056:** A request for a change in zoning from “C-2” Commercial District to “C-3” General Commercial District on Lot 55 and Lot 56, Block 22, NCB 7508, 3851 Culebra Road. (Council District 7) Pg. 31
12. **ZONING CASE NUMBER Z2009060 CD:** A request for a change in zoning from “R-4 NCD-2” Residential Single Family Alta Vista Neighborhood Conservation District to “R-4 CD NCD-2” Residential Single Family Alta Vista Neighborhood Conservation District with a Conditional Use to allow a four-family dwelling on Lot 7, NCB 6611, 125 Hess. (Council District 1) Pg. 33
13. **ZONING CASE NUMBER Z2009063:** A request for a change in zoning from “R-6” Residential Single-Family District to “C-2” Commercial District on 1.556 acres out of NCB 14702, 9545 Huebner Road. (Council District 8) Pg. 37
14. **ZONING CASE NUMBER Z2009065:** A request for a change in zoning from “I-1” General Industrial District to “C-2” Commercial District on Lot 6, Block 20, NCB 3685, 364 Castroville Road. (Council District 5) Pg. 41
15. **ZONING CASE NUMBER Z2009066:** A request for a change in zoning from “PUD MF-25 GC-1” Planned Unit Development Multi-Family Hill Country Gateway Corridor Overlay District and “PUD C-3 GC-1” Planned Unit Development General Commercial Hill Country Gateway Corridor Overlay District to “PUD MF-33 GC-1” Planned Unit Development Multi-Family Hill Country Gateway Corridor Overlay District (on 10.85 acres) and “PUD C-3 GC-1” Planned Unit Development General Commercial Hill Country Gateway Corridor Overlay District (on 0.2445 of an acre) on 11.0945 acres out of Lot 2, Block 3, NCB 16390, 25111 IH 10 West. (Council District 8) Pg. 43
16. Briefing on the Jefferson Neighborhood Conservation District rezoning case.
17. Consideration and recommendation on a proposed amendment to the Unified Development Code (UDC) related to live entertainment.
18. Director’s Report – No issue to report.
19. Executive Session: consultation on attorney-client matters (real estate, litigation, personnel and security matters) as well as any of the above agenda items may be discussed.
20. **ADJOURNMENT**

Accessibility Statement

This meeting is wheelchair accessible. Accessible entrances are located at the front and side of the building at 1901 South Alamo Street. Accessible parking spaces are located at the front and rear of the building. **Auxiliary Aids and Services are available upon request (Interpreters for the Deaf must be requested forty-eight [48] hours prior to the meeting).** For Assistance, Call (210) 207-7245 Voice/TTY.



Zoning Case Notification Plan

Case Z-2008-014

Council District 8

Scale: 1" approx. = 500'

Subject Property Legal Description(s): NE Irr 551.56 ft of Lot 1, NW 208.71 ft of Lot 1, Lot 2, and Lot 9, - NCB 34780A - Block 000
Parcels P-6, P-6A, P-6B, P-6C, P-6D, P-6E, P-6F - NCB 34780 - Block 000

Legend

- Subject Property (104.858 Acres)
- 200' Notification Buffer
- Current Zoning R6
- Requested Zoning Change (R6)
- 100-Year FEMA Floodplain



City of San Antonio - Development Services Dept
(11/09/2007)

Final Staff Recommendation - Zoning Commission

In addition to compatibility of uses, staff has concerns with the existing available access to the subject property. There are currently no major thoroughfares or streets running through the property. The only egress and ingress routes are Old Camp Bullis Road to the east, and a small private road that fronts a small portion

CASE NO: Z2008014

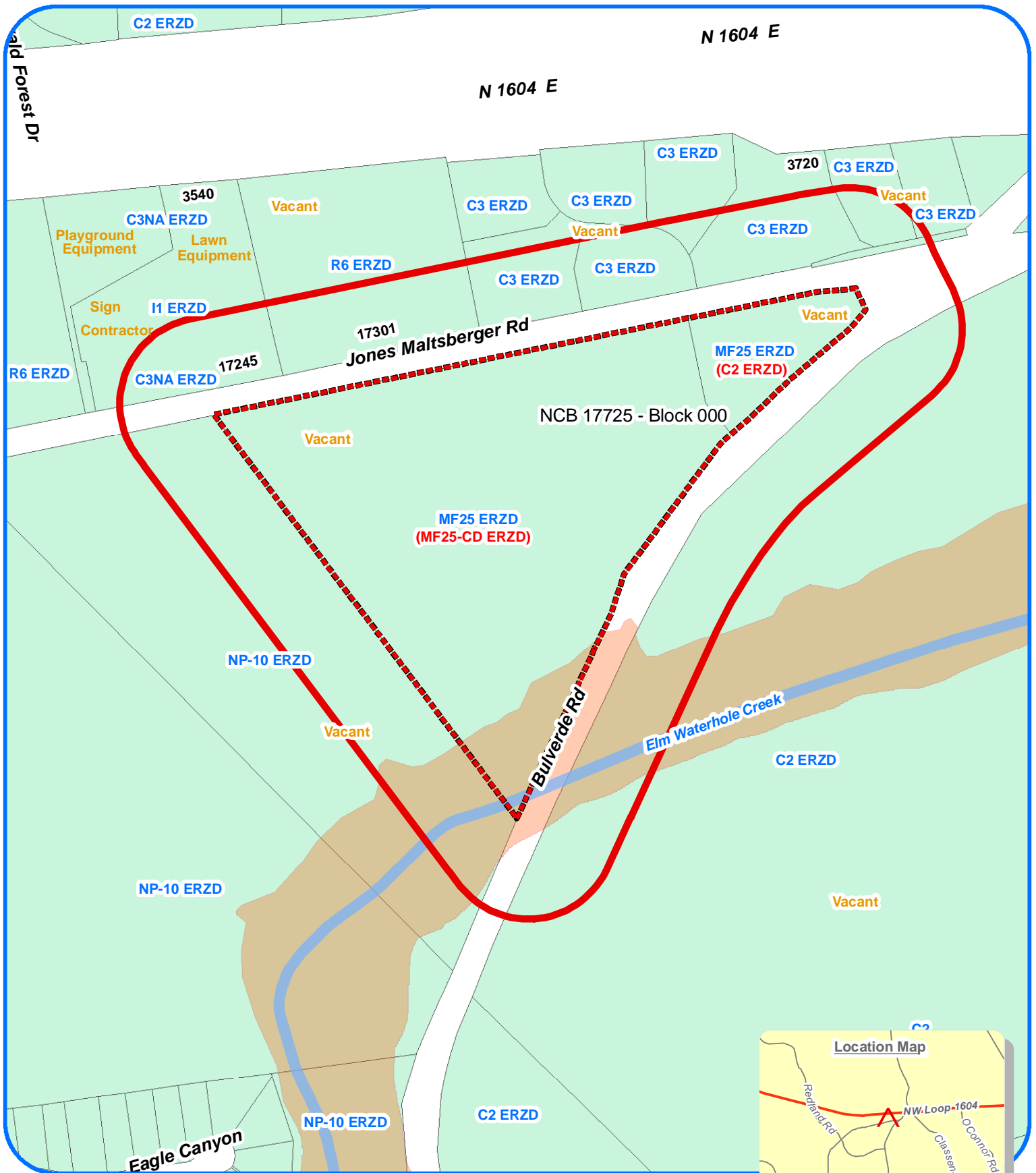
Final Staff Recommendation - Zoning Commission

of the subject property. There are significant flood plain issues on the subject property, which could impede future development. Commercial uses are most appropriate along freeway frontages or at the intersections of major thoroughfares; consequently allowing land uses that rely on a high traffic count and major visibility in order to remain viable. Until connector streets are added that run through the subject property from the Rim, or IH-10 West, the proposed use will remain inconsistent with the current uses in the area.

The subject property is located within the Camp Bullis Awareness Zone/ Military Influence Area. In accordance with the signed Memorandum of Understanding between Fort Sam Houston and the City of San Antonio, Zoning Staff provided the Military with a copy of the rezoning request for review and comment. The Military's concerns on this proposed development's compatibility with the Camp Bullis installation would be addressed if:

1. The developer demonstrates that he has access to La Cantera Parkway.
2. The developer commits to incorporate "Dark Sky" Lighting measures and executes a declaration of use.
3. The developer provide appropriate documentation as specified by the Military that shows no endangered species are present on the subject property or the developer agrees to forego development on the portion of the subject property that appears to have a dense tree canopy (approximately 5% of the parcel.)

CASE MANAGER : Leslie Zavala 207-0215



Zoning Case Notification Plan

Case Z2009018 ERZD CD

Council District 10

Scale: 1" approx. = 300'

Subject Property Legal Description(s): 17.08 acres out of NCB 17725

Legend

- Subject Property (17.08 Acres)
- 200' Notification Buffer
- Current Zoning **R6**
- Requested Zoning Change **(R6)**
- 100-Year FEMA Floodplain



Planning & Development Services Dept
City of San Antonio
(03/04/2009 - E Hart)

CASE NO: Z2009018 ERZD

Final Staff Recommendation - Zoning Commission

Date: March 17, 2009

Council District: 10

Ferguson Map: 518 B4

Applicant Name:

Owner Name:

James Griffin, Brown & Ortiz, P.C.

King Pin, Ltd.

Zoning Request: From "MF-25 ERZD" Multi-Family Edwards Recharge Zone District to "C-2 ERZD" Commercial Edwards Recharge Zone District (1.69 acres) and "MF-25 ERZD CD" Multi-Family Edwards Recharge Zone District with a Conditional Use for an Office (15.39 acres).

Property Location: 17.08 acres out of NCB 17725

17120 Bulverde Road

At the west corner of Bulverde Road and Jones Maltzberger Road

Proposal: To allow a restaurant and office or multi-family development

Neigh. Assoc. None

Neigh. Plan None

TIA Statement: A Level 1 Traffic Impact Analysis (TIA) will be required at platting or permitting.

Staff Recommendation:

Staff recommends approval of the request for "C-2 ERZD" on 1.69 acres, and denial of the request for "MF-25 ERZD CD" on 15.39 acres.

The subject property consists of approximately 17.08 acres of undeveloped land located at the west corner of Bulverde and Jones Maltzberger roads. The property includes a 135-foot wide electric utility easement along the southwest property line. The subject property was annexed in December 1994, per Ordinance 81102. The property was originally zoned "R-A ERZD" Residence-Agriculture Edwards Recharge Zone District. Upon adoption of the 2001 Unified Development Code, the previous zoning converted to "NP-10 ERZD" Neighborhood Preservation Edwards Recharge Zone District. In a 2006 case, the subject property was rezoned to "RM-4 ERZD" Residential-Mixed Edwards Recharge Zone District. The property was rezoned to the current "MF-25 ERZD" Multi-Family Edwards Recharge Zone District in a 2008 zoning case.

Surrounding zoning includes "NP-10 ERZD" to the west; "C-2 ERZD" Commercial Edwards Recharge Zone District to the east; "C-3 ERZD" General Commercial Edwards Recharge Zone District to northeast; with "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District and "I-1 ERZD" General Industrial Edwards Recharge Zone District to the north. Surrounding land uses include undeveloped land to the northeast, east and west; with contractor facilities, a real estate office, and a landscaping equipment company to the north. Single-family neighborhoods exist farther to the southwest, along Redland Road between Jones Maltzberger and Bulverde roads.

The subject property is located at the major intersection of and along two arterial thoroughfares; such locations are generally appropriate for commercial, office, and/or multi-family development. The 1.69-acre proposed "C-2 ERZD" portion of the subject property located at the intersection of Bulverde Road and Jones Maltzberger Road could be identified as part of a commercial node that extends to and along Loop 1604. Office and multi-family uses can provide appropriate transitional zoning between commercial nodes and single-

CASE NO: Z2009018 ERZD

Final Staff Recommendation - Zoning Commission

family development, such as the neighborhood that exists to the southwest of the subject property along Redland Road.

Multi-family zoning with a conditional use for an office is inappropriate for such a large parcel (15.39 acres). Construction on the site would have to meet development standards of the "MF-25" zoning district, which may not be appropriate for office uses. "O-1", "O-1.5", and "O-2" office districts are more suitable for office development on large tracts, as they provide specific development standards meant to accommodate offices while also offering protection to surrounding residentially zoned properties. Staff believes that the proposed uses are appropriate for the subject location and would support a request for multiple zoning districts including multi-family, office, and commercial districts.

SAWS Summary:

1. SAWS recommends approval of the proposed land use.
2. SAWS currently identifies the subject property as a Category 2 property.
3. SAWS recommends a maximum impervious cover of 42% on the site

CASE MANAGER : Micah Diaz 207-5876

SAN ANTONIO WATER SYSTEM
Interdepartment Correspondence Sheet

To: Zoning Commission Members

From: Kirk M. Nixon, Manager, Resource Protection Division, San Antonio Water System

Copies To: Scott R. Halty, Director, Resource Protection & Compliance Department, Gregory D. James, P.G, Michael A. Escalante, Environmental Protection Specialist III, Aquifer Protection & Evaluation Section, File

Subject: Zoning Case Z2009018 (17120 Bulverde Rd. Commercial)

Date: February 16, 2009

SUMMARY

A request for a change in zoning has been made for an approximate 17.08-acre tract located on the city's northeast side. A change in zoning from **MF-25 ERZD** to **MF-25 ERZD CD & C-2 ERZD** is being requested by the applicant, Brown, P.C., by Mr. James Griffin. The change in zoning has been requested to allow for the development of offices with apartments and a restaurant.

As of the date of this report, an official request for a category determination or an official request for a "substantial alteration" determination has not been received by the Aquifer Protection & Evaluation Division. Based on the information provided, this property is a Category 2 property and shall be developed in accordance with all the provisions stated in Ordinance No. 81491 governing development on the Edwards Aquifer Recharge Zone. However, if the appropriate information is provided to the Aquifer Protection & Evaluation Section, this property may be determined to be a Category 1 property. If the property is determined to be a Category 1 property, staff recommends that the owner/operator use criteria outlined in Section 34-970 "Best Management Practices".

Based on the site evaluation of the property, and the information submitted by the applicant, SAWS staff recommends **approval** of the proposed land use. Should the city council rezone the property that is the subject of this report, the San Antonio Water System recommends that any development on that property after the zoning classification has been changed should be restricted as stated in the environmental recommendations section of this report.

LOCATION

The subject property is located in City Council District 10, at the intersection of Jones Maltsberger and Bulverde Road. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

SITE EVALUATION

1. Development Description:

The proposed change is from MF-25 ERZD (17.08 acres) to MF-25 ERZD CD (15.39 acres) & C-2 ERZD (1.69 acres) and will allow for the construction of offices with apartments and a restaurant. Currently the site is undeveloped with dense vegetation.

2. Surrounding Land Uses:

Jones Maltsberger Road and an undeveloped property lie north of the property. Bulverde Road bounds the eastern and southern side of the property. Undeveloped property lies to the west of the property.

3. Water Pollution Abatement Plan:

As of the date of this report, a WPAP has not been submitted to the Texas Commission on Environmental Quality (TCEQ). A WPAP will be required to be submitted to and approved by the TCEQ prior to the commencement of construction.

4. Geologic Conditions:

The Resource Protection Division of the San Antonio Water System conducted a site evaluation on November 24, 2008, of the referenced property to assess the geologic conditions and evaluate any environmental concerns present at the site. SAWS Environmental Geologist, Mr. Bruce Keels, P.G., was present during the site evaluation.

- A. The subject site was observed as a single lot, heavily vegetated with native trees, approximately 17.08 acres in area. Moderate exposure of bedrock was observed throughout the property. The native soil located on the subject site was observed to be approximately 6 to 8 inches thick, and consisted of dark alluvial swelling clays.

The exposed limestone observed on the subject property included light to medium gray moderately weathered limestone with no vugs or other visible dissolution features. Significant amounts of float rock, matching the description of the exposed bedrock, were observed throughout the property.

The site appeared to slope to the south. Stormwater occurring on the subject site would drain to the south towards Elm Waterhole Creek.

- B. Using U.S. Geological Survey Water-Resources Investigations Report 95-4030 it was determined that the northern portion of the subject site is underlain by the Leached and Collapsed Member of the Person Formation of the Edwards Aquifer. The southern portion of the subject site is underlain by the Cyclic and Marine Member of the Person Formation of the Edwards Aquifer. Exposed limestone observed throughout the property was consistent with characteristics of both the Leached and Collapsed Member and the Cyclic and Marine Member.

The Leached and Collapsed Member of the Person Formation is characterized by the presence of crystalline limestone, grainstone, and mudstone, with chert nodules and breccia conglomerations. This Member is known to have fabric related porosity. The full section thickness of this member is approximately 70 to 90 feet thick.

The Cyclic and Marine Member of the Person Formation is characterized by the presence of thinly bedded mudstone, packstone and grainstone with structurally based porosity. The full section thickness of this member is approximately 80 to 90 feet thick.

- C. A number of small ephemeral drainage ways were observed to run in a north-south direction across the subject site. However, no creekways were observed to cross the site. A number of small non-karst closed depressions were observed across the property, consisting mainly of tree-holes and animal burrows. These features do not appear to be sensitive. An apparent solution cavity, extending to a subsurface bedding plane was observed within one of the intermediate drainage ways on the northeast corner of the property. This feature exhibited characteristics of subsurface fluid transfer.

A fault is mapped within the subject site, however, no visual evidence of the surface expression of this fault was observed on the subject site. No evidence of faults or other sensitive or significant recharge features, other than those listed above, were found on the site or within the immediate vicinity of the subject site.

ENVIRONMENTAL CONCERNS

The environmental concerns associated with this development being constructed on the Edwards Aquifer Recharge Zone are:

General Concerns

1. The improper use of pesticides, herbicides, or fertilizers needed for landscape maintenance may be carried off in the first flush of stormwater run-off.
2. The build-up of hydrocarbons and other pollutants on streets, parking lots and other paved areas that are then carried off in the first flush of stormwater run-off.

ENVIRONMENTAL RECOMMENDATIONS

The following recommendations address the environmental concerns raised by the construction of this development on the Edwards Aquifer Recharge Zone:

Site Specific Recommendations

1. The impervious cover shall not exceed 42% on the site.

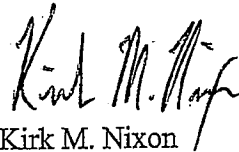
2. The 17.08 acre subject property was previously approved as zoning case Z2008018. The SAWS recommendation of 42% maximum impervious cover is based on ordinance # 2008-06-19-0631 approved by City Council on June 19, 2008. The 42% maximum impervious cover was due to City Council's amendment to the SAWS original recommendation of 45% impervious cover for the previous zoning case Z2008018.
3. The sensitive geologic feature shall not be disturbed and a 50' buffer shall be placed around the feature.
4. A floodplain buffer shall be provided along the south and southeast border of the property as required in Ordinance No. 81491, Section 34-913.
5. The land uses within the project site shall be in conformance with the table of permitted uses at the time the re-zoning is approved. Should a proposed use be listed as requiring City Council approval, the owner/operator shall apply for re-zoning for that particular use at the project site. If the land use is listed as special use, a special permit must be obtained for that use. If the land use is listed as not allowed, that land use will not be permitted on the project site.
6. The owner of all water pollution abatement structures shall ensure these structures are properly maintained and kept free of trash and debris. A signed water quality maintenance plan must be submitted to the Resource Protection Division of SAWS. If at any time the ownership of the property changes, the seller must disclose to the buyer all the requirements of the water quality maintenance plan. The new owner must submit a signed water quality maintenance plan to the Resource Protection Division of SAWS.
7. Landscaped areas shall be sensitive to minimizing water needs, i.e., use of native plants. Each purchaser of an individual lot or tenant within this development shall be informed by the seller or lessor in writing about Best Management Practices (BMP) for pesticide and fertilizer application. Preventing Groundwater Pollution. A Practical Guide to Pest Control, available from the Edwards Aquifer Authority (210/222-2204), or equivalent information produced by the U.S. Natural Resource Conservation Service, Texas Department of Agriculture, U.S. Department of Agriculture, shall be used.
8. The applicant shall notify the Construction Compliance Section of the Resource Compliance Division of SAWS at (210) 233-3564 no later than 48 hours prior to the commencement of construction at the site. If any significant geologic features such as, but not limited to, solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Commission on Environmental Quality at (210) 490-3096 and the Resource Protection Division of the San Antonio Water System at (210) 233-3520.
9. If any sensitive geologic features such as, but not limited to, solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the TCEQ at (210) 490-3096 and the Resource Protection Division of the SAWS at (210) 233-3520.

General Recommendations

1. Prior to the release of any building permits the owner/operator of any Category 2 property shall submit an Aquifer Protection Plan to the Resource Protection Division of the San Antonio Water System.
2. Prior to the release of any building permits, the following shall be submitted to the SAWS Aquifer Protection & Evaluation Section of the Resource Protection Division:
 - A. A copy of the Water Pollution Abatement Plan (WPAP) shall be submitted for each particular development/use within the area being considered for re-zoning,
 - B. A set of site specific plans which must have a signed Engineers Seal from the State ,
 - C. A WPAP approval letter from the Texas Commission on Environmental Quality (TCEQ),
 - D. A copy of the approved Water Pollution Abatement Plan.
3. The storage, handling, use and disposal of all over the counter hazardous materials within this development shall be consistent with the labeling of those materials. Failure to comply with the label warnings may constitute a violation of Federal law.
4. If a water quality basin is constructed on the property, the following is required:
 - A. Below grade basins will not be allowed on the site.
 - B. Prior to the start of the basin construction, the owner will notify the Aquifer Protection and Evaluation Section of the San Antonio Water System at (210) 233-3520 to schedule a site inspection.
 - C. After basin construction is complete and prior to the start of business, the owner will notify the SAWS Aquifer Protection & Evaluation Section at (210) 233-3520 to schedule a site inspection. Additionally, we recommend a maintenance plan and schedule be developed and submitted to SAWS Aquifer Protection & Evaluation Section.
 - D. If the basin fails to drain properly, the owner will notify the Construction Section of the Resource Compliance Division at (210) 233-3564 prior to any discharge of water.
 - E. If at any time the ownership of the property changes, the seller must inform the buyer of all requirements for maintenance of the Basin. A signed basin maintenance plan and schedule agreement, from the new owner, must be submitted to the Resource Protection Division of SAWS.

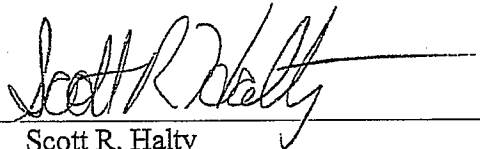
5. The City of San Antonio shall inspect all future construction of the sewage collection system to include service laterals and sewer mains for proper construction according to State and City Regulations and Code.
6. The Resource Protection Division staff shall have the authority to inspect the site to ensure that the approved recommendations are being strictly adhered to during and after construction of the project.

Based on the site evaluation of the property, and the information submitted by the applicant, staff recommends **approval** of the proposed land use. Additionally, SAWS staff recommends that the applicant, or any future owner, comply with the above recommendations in regards to the development of the subject property.



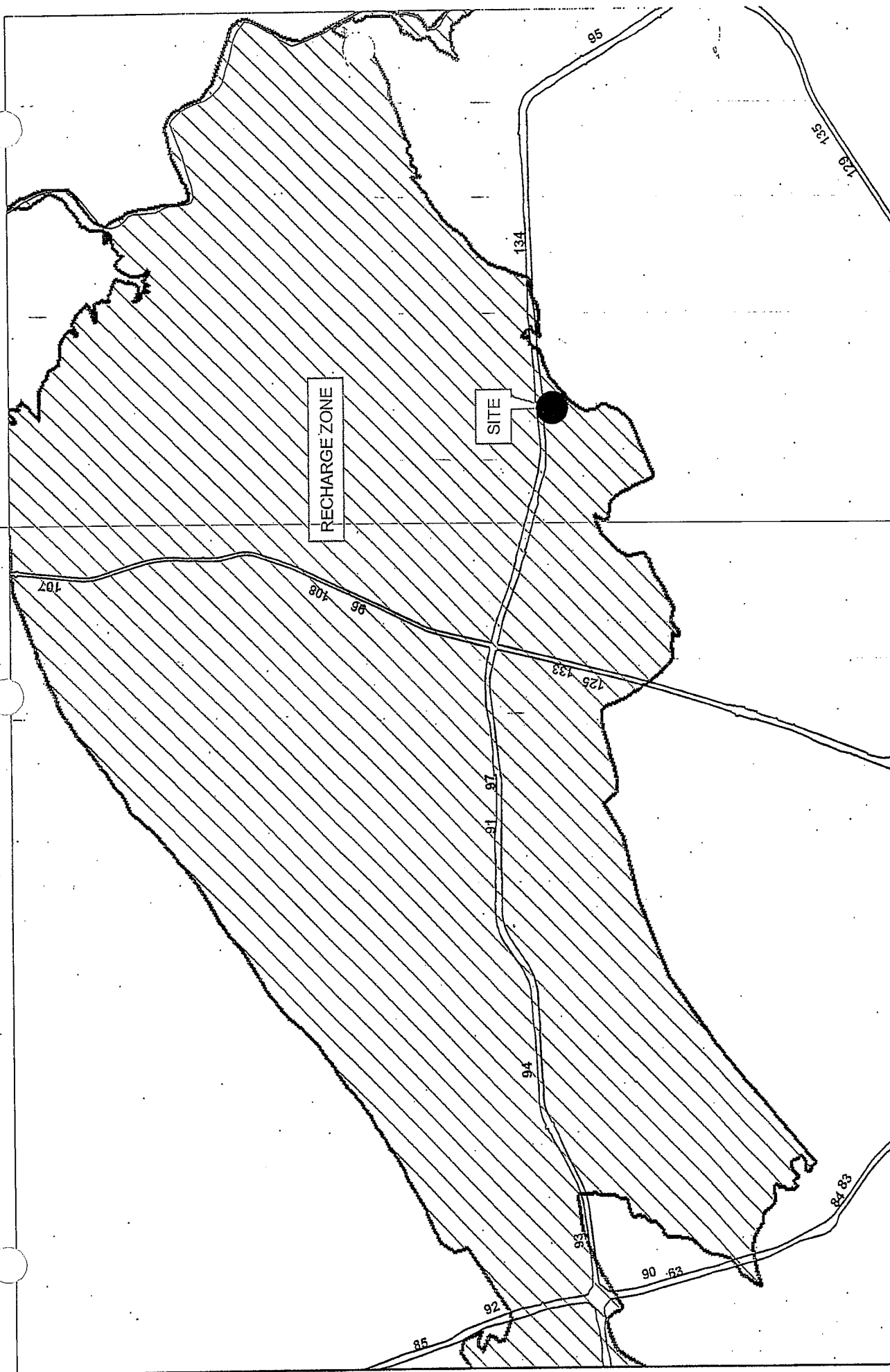
Kirk M. Nixon
Manager
Resource Protection Division

APPROVED: _____



Scott R. Halty
Director,
Resource Protection & Compliance Department

KMN:MAE

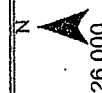


ZONING FILE: 17120 BULVERDE RD. COMMERCIAL (FIGURE 1)

ZONING ID: Z2009018

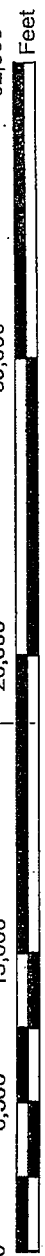
MAP PAGE: 518, B4 X= 2152271 Y= 13765704

Map Prepared by Aquifer Protection & Evaluation MAE 11/24/2008



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26,000 39,000 52,000



1 inch equals 7,842.145795 feet

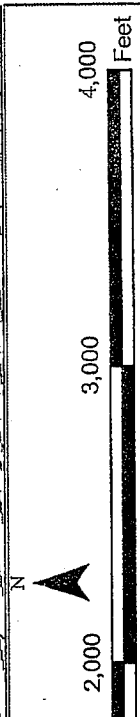


ZONING FILE: 17120 BULVERDE RD. COMMERCIAL (FIGURE 2)

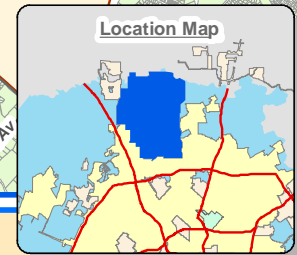
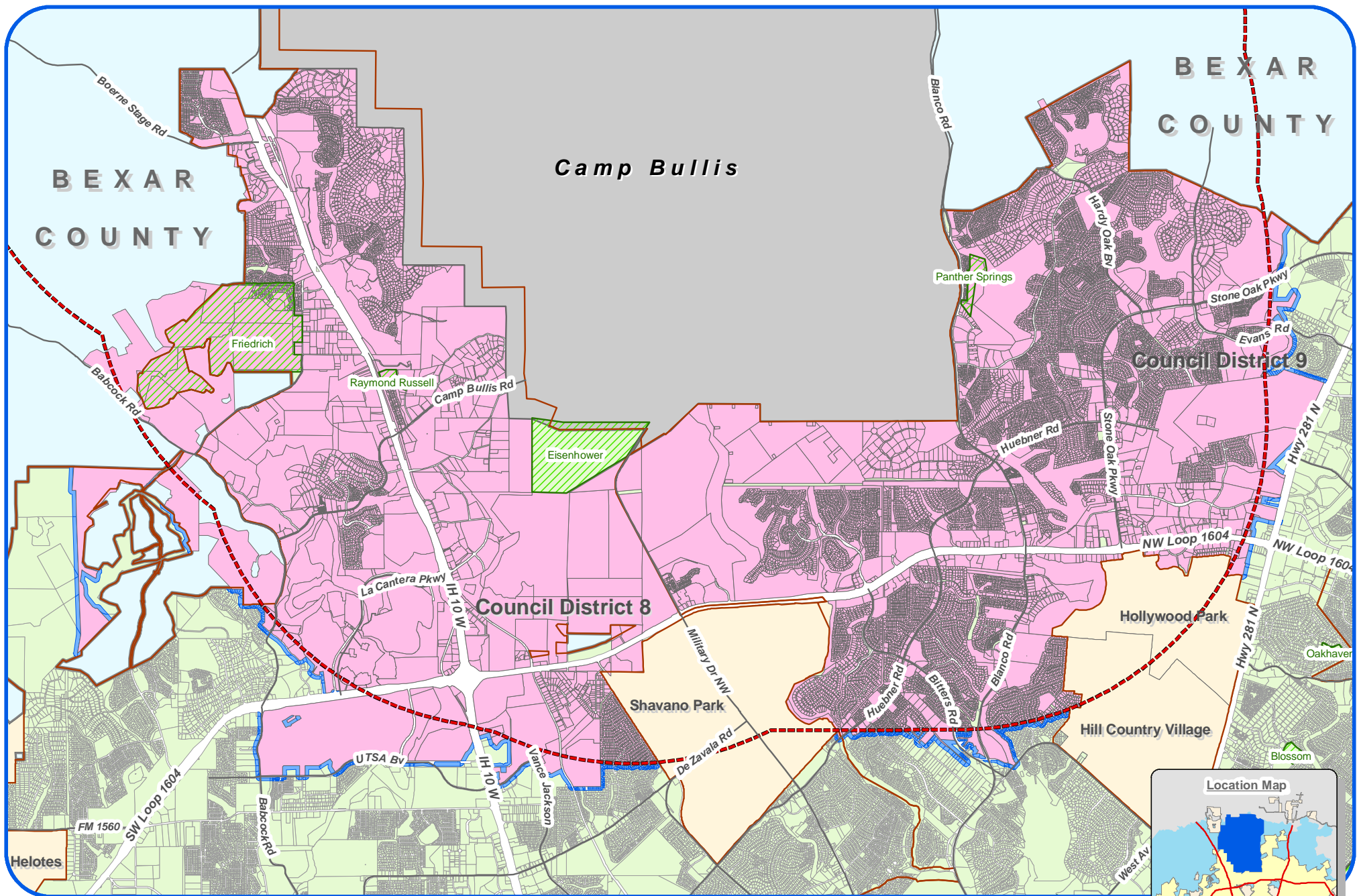
ZONING ID: Z2009018

MAP PAGE: 518, B4 X= 2152271 Y= 13765704

Map Prepared by Aquifer Protection & Evaluation MAE 11/24/2008



1 inch equals 605.544063 feet



Camp Bullis Zoning Notification Plan

Council Districts 8 and 9

Scale: 1" approx. = 1.25 Miles

Legend

Properties in CoSA
City Council District Boundary
3 Mile Zoning Change Buffer
200 ft Notification Buffer



Proposed Property Re-Zoning
Properties Within Notification Buffer
Other Towns
Bexar County Outside CoSA
Parks



City of San Antonio
Planning and Development Services Dept
(02/06/2009 - E Hart)

CASE NO: Z2009029

Final Staff Recommendation - Zoning Commission

Date: March 17, 2009

Council District: 8

Ferguson Map:

Applicant Name:

Owner Name:

City of San Antonio Planning and
Development Services Department

Multiple property owners

Zoning Request: From Multiple Zoning Districts to Multiple Zoning Districts, to add the Military Lighting Overlay District (MLOD).

Property Location: All properties within three (3) miles of the exterior border of the Camp Bullis Training Site and within the City of San Antonio municipal boundary

All properties within three (3) miles of the exterior border of the Camp Bullis Training Site and within the City of San Antonio municipal boundary

All properties within three (3) miles of the exterior border of the Camp Bullis Training Site and within the City of San Antonio municipal boundary

Proposal: To rezone properties within three miles of Camp Bullis to add the Military Lighting Overlay District (MLOD)

Neigh. Assoc. Multiple Neighborhood Associations

Neigh. Plan None

TIA Statement: A Traffic impact Analysis (TIA) is not required.

Staff Recommendation:

CASE MANAGER : Rudy Nino 207-8389

RECEIVED

09 MAR 11 PM 2:34

SAN ANTONIO WATER SYSTEM
Interdepartmental Correspondence Sheet

LAND DEVELOPMENT
SERVICES DIVISION

TO: Zoning Commission Members

FROM: Kirk M. Nixon, Manager, Resource Protection Division, San Antonio Water System

COPIES TO: Scott R. Halty, Director, Resource Protection & Compliance Department, Patricia M. Garza, Environmental Protection Specialist III, Aquifer Protection & Evaluation Section, File

SUBJECT: Zoning Case Z2009029 (Camp Bullis MLOD)

Date: March 11, 2009

SUMMARY:

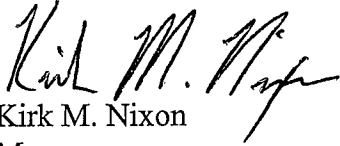
A request for a change in zoning has been made for all properties within three (3) miles of the exterior border of the Camp Bullis Military Training Facility and within the City of San Antonio's Municipal boundary. A change in zoning from **Multiple Zoning Districts** to **Multiple Zoning Districts with a Military Lighting Overlay District (MLOD)** is being requested by the applicant, the City of San Antonio's Planning and Development Services Department. The change in zoning has been requested for all properties within three (3) miles of the Camp Bullis exterior border to add MLOD to each property in order to comply with the Military Lighting guidelines and/or restrictions established in Ordinance No. 2008-12-11-1133 passed by City Council on December 11, 2008.

Currently, each site will keep its base zoning along with an additional zoning designation of MLOD. All properties within the MLOD shall comply with the lighting ordinance as referenced above. Additionally, the proposed zoning addition of MLOD to each property will not affect the existing uses or provisions as related to water quality Ordinance No. 81491.


According to the U.S. Geological Survey Water-Resources Investigations Report 95-4030 it was determined that the subject sites are underlain by several of the Edwards geologic members. Starting from west to east, the geologic members consist of the Lower Confining Unit Glen Rose, Basal Nodular Member, Dolomitic Member, Kirschberg Evaporite, Cyclic and Marine Member, Upper Confining Unit Undivided, and Leached and Collapsed Members of the Edwards Aquifer. Observation of underlying geology was not performed, since the site covers a vast number of properties and several thousand acres; however, site assessments will be performed on a case-by-case basis. The subject properties are located in City Council Districts 8 and 9 within three (3) miles surrounding the exterior border of Camp Bullis. The properties lie within the Edwards Aquifer Recharge Zone and the Edwards Aquifer Contributing Zone. (Figures 1 and 2).

Zoning Commission Members
Z2009029 (Camp Bullis MLOD)
Page 2

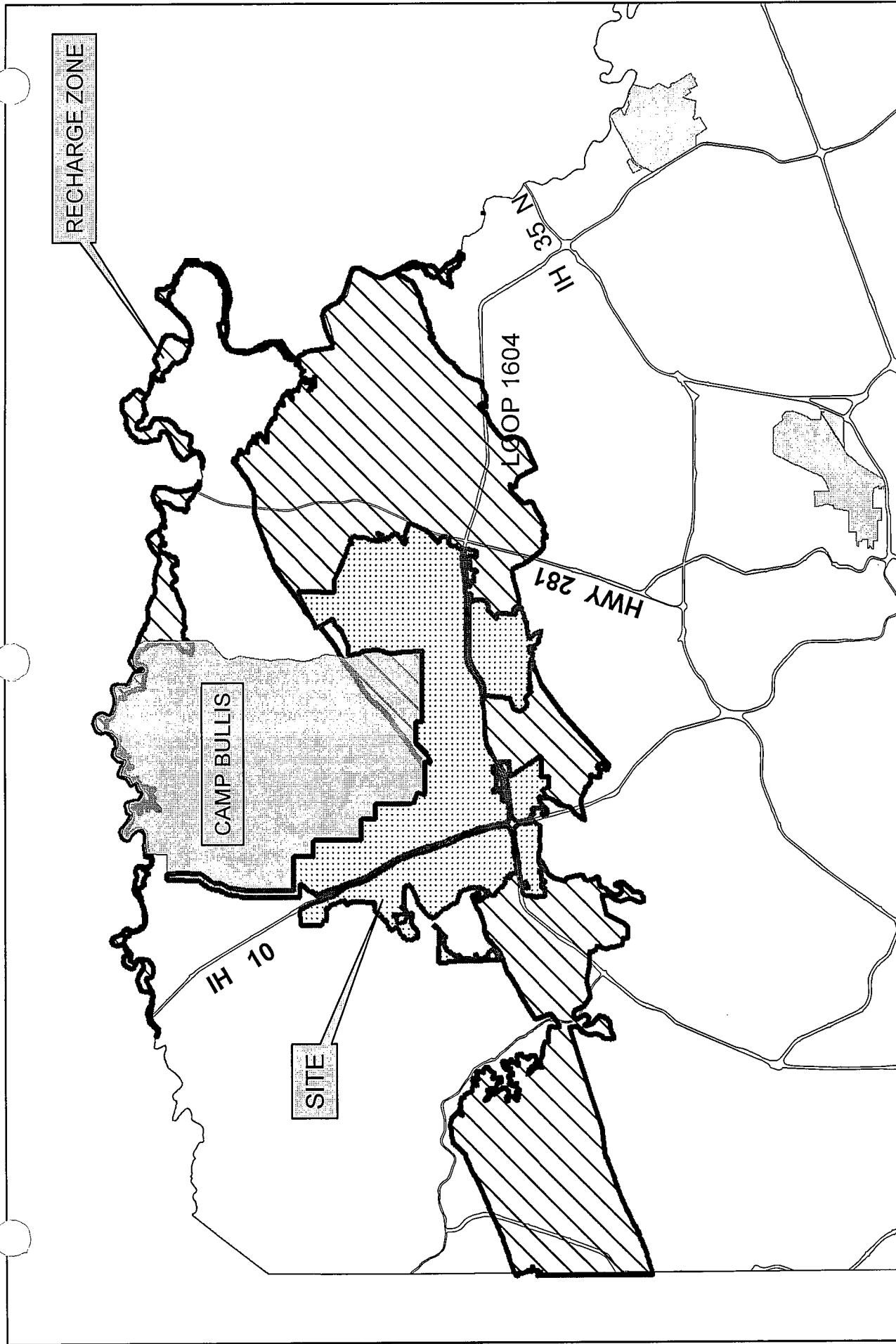
Based on the information submitted by the applicant, SAWS staff does not object to the addition of MLOD to the properties within three (3) miles of the Camp Bullis exterior border. Any future rezoning applications for properties within the Edwards Aquifer Recharge Zone and Military Lighting Overlay District shall be subject to the appropriate rezoning process at that time.


Kirk M. Nixon
Manager
Resource Protection Division

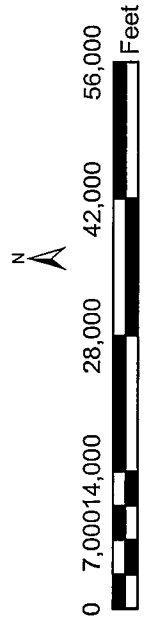
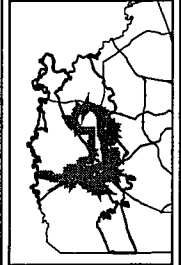
APPROVED:

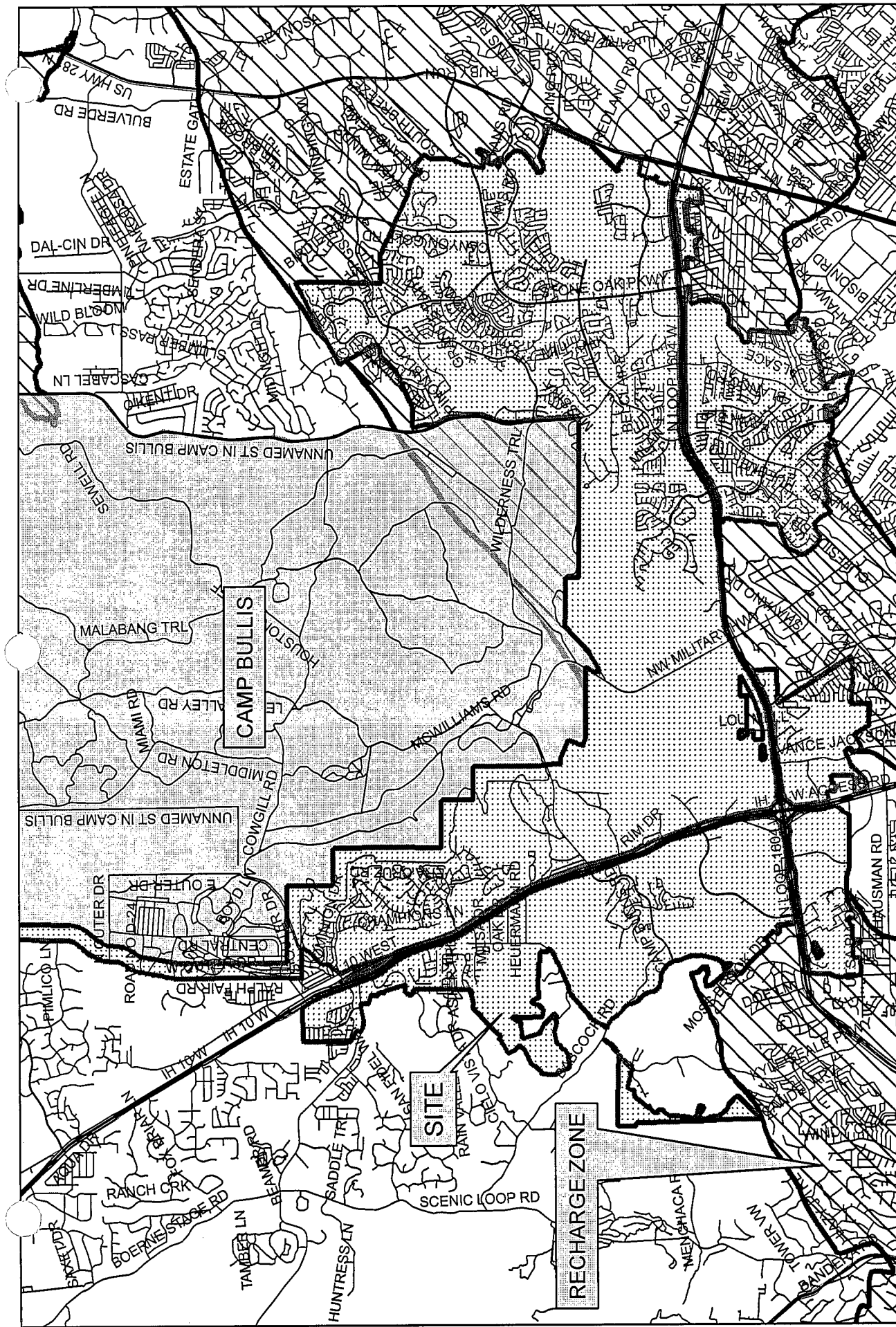

Scott R. Halty
Director,
Resource Protection & Compliance Department

KMN:PMG



REZONING OF PROPERTIES WITHIN 3 MILES OF CAMP BULLIS TO
 ADD MILITARY OVERLAY DISTRICT(MLOD) to ALL BASE ZONING
FIGURE 1
 ZONING CASE NAME: CAMP BULLIS MLOD
 Zoning Case ID #:Z2009029
 Map Prepared by Aquifer Protection & Evaluation PMG 3/10/2009



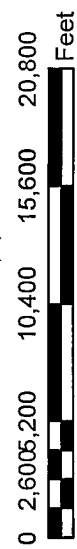
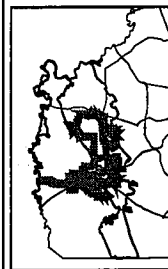


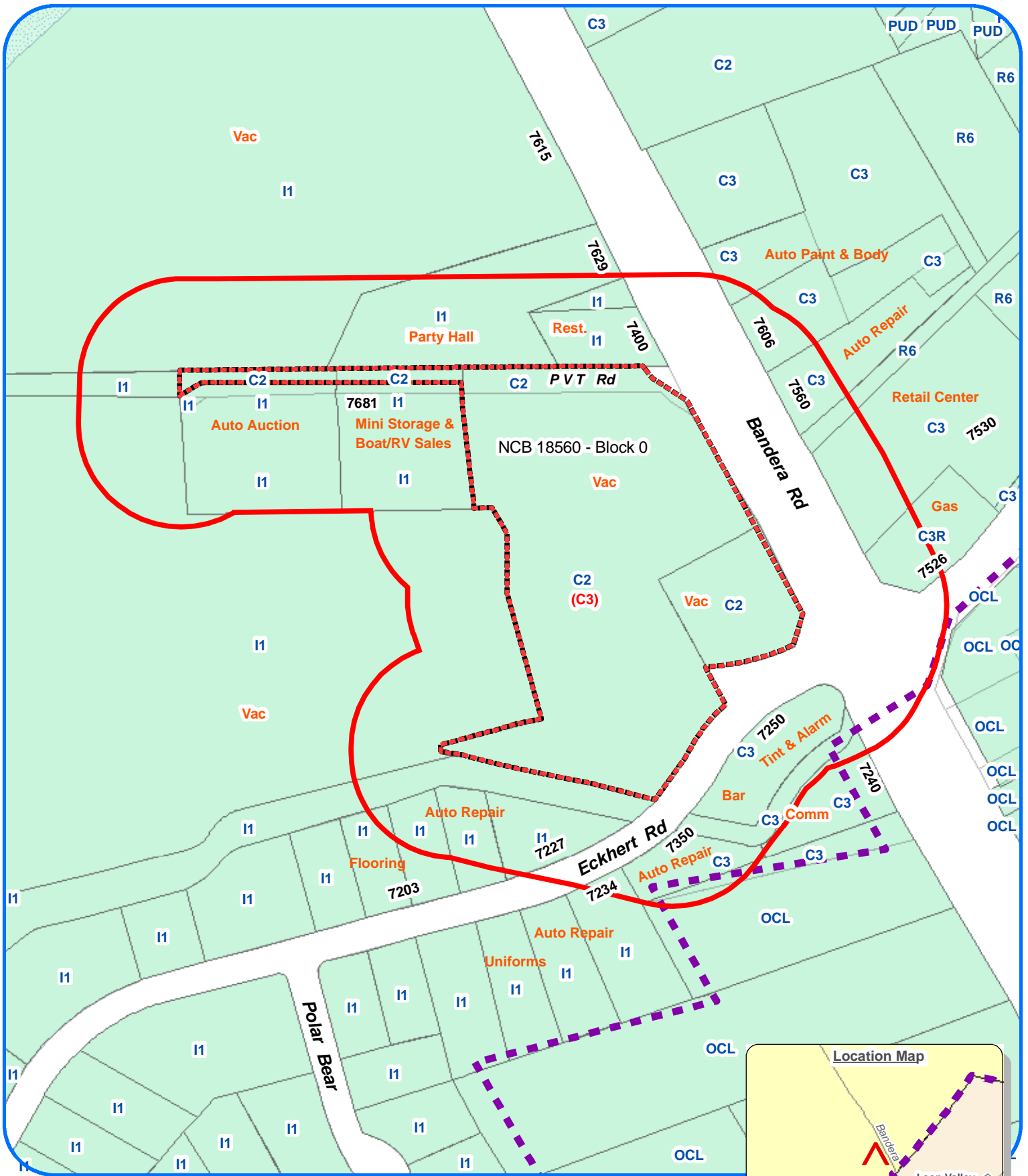
REZONING OF PROPERTIES WITHIN 3 MILES OF CAMP BULLIS TO
 ADD MILITARY OVERLAY DISTRICT(MLOD) to ALL BASE ZONING
 ZONING CASE NAME: CAMP BULLIS MLOD

FIGURE 2

Zoning Case ID #:Z2009029

Map Prepared by Aquifer Protection & Evaluation PMG 3/10/2009





Zoning Case Notification Plan

Case Z2009042

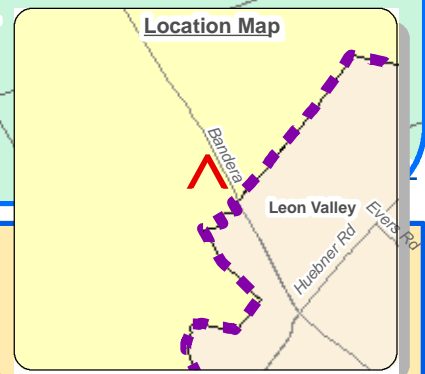
Council District 10

Scale: 1" approx. = 250'

Subject Property Legal Description(s): 8.76 acres out of NCB 18560

Legend

- Subject Property (8.76 acres)
- 200' Notification Buffer
- Current Zoning C2
- Requested Zoning Change (C3)
- 100-Year FEMA Floodplain



City of San Antonio
Planning - Development Services Dept.
1/27/2009
D. E. Castillo

CASE NO: Z2009042

Final Staff Recommendation - Zoning Commission

Date: March 17, 2009 Continuanue (applicant's request) from March 3, 2009

Council District: 7

Ferguson Map: 579 F1

Applicant Name:

Owner Name:

Kaufman & Killen, Inc.

A49 LLC Attn: John Firestone

Zoning Request: From "C-2" Commercial District to "C-3" General Commercial District.

Property Location: 8.76 acres out of NCB 18560

7000 Block of Bandera Road

On the west side of Bandera Road, between Eckhert and Ebert Roads

Proposal: To allow an office warehouse

Neigh. Assoc. None

Neigh. Plan Northwest Community Plan

TIA Statement: A Traffic Impact Analysis (TIA) is not required.

Staff Recommendation:

Approval, pending plan amendment.

The Northwest Community Plan calls for Neighborhood Commercial as the future land use for the subject property. The applicant has applied for a plan amendment, which was heard by the Planning Commission on February 25, 2009. Plannign staff and Planning Commission recommend approval of the plan amendment.

The subject property is located on the west side of Bandera Road, between Eckhert and Ebert roads; and is approximately 8.76 acres out of a larger 49-acre tract that is currently undeveloped. The subject property was annexed in December 1987, per ordinance 66020. Upon annexation, the property was zoned "Temp R-1" Temporary Single Family Residential District. In a 1988 case, the subject property was rezoned to "I-1" Light Industry District. Upon adoption of the 2001 Unified Development Code, the previous zoning converted to "I-1" General Industrial District. In a 2008 case, the subject property was rezoned to the current "C-2" Commercial District.

Surrounding zoning includes "I-1" General Industrial District to the north, west, and southwest; and "C-3" General Commercial District to the south and east. Properties located farther south and southeast are within the city limits of Leon Valley. Land uses to the south and southwest along Eckhert Road include multiple auto repair shops, a bar, and various warehouse facilities. Properties to the north and south along Bandera include retail shopping centers, gas stations, restaurants, banks, and a retail nursery. Immediately abutting the subject property, along Ebert Road (private) there is a mini-storage facility that also stores and sells boats and RVs, along with an auto auction business.

Staff finds the requested zoning to be appropriate for the subject property due to its location and surrounding zoning districts and land uses. The City of San Antonio's Major Thoroughfare Plan identifies Bandera Road as a Primary Arterial "Type A", while Eckhert Road is identified as a Collector street. Ebert Road, which runs through the northern part of the subject property, is a private road. The subject property is currently accessible from Bandera Road. The requested "C-3" zoning is classified as a regional commercial district, which is most appropriate at the intersections of major thoroughfares. Additionally, the requested zoning

CASE NO: Z2009042

Final Staff Recommendation - Zoning Commission

district is consistent with the other industrial and intense-commercial zoning districts and existing land uses which exist along both Bandera and Eckhert Roads.

CASE MANAGER : Micah Diaz 207-5876

Neighborhood and Urban Design Division

Zoning Case Review

Zoning Case No.: Z2009042

Existing Zoning: C-2

Requested Zoning: C-3

Registered Neighborhood Association(s): none

Neighborhood/Community/Perimeter Plan: Northwest Community Plan

Future Land Use for the site: Neighborhood Commercial

Other Comments:

The subject property is located at the corner of Bandera Road, south of Eckhert.

Analysis:

The applicant is requesting a zoning change from C-2 to C-3 to allow for "the development of a business warehouse project." The property is located in the southeast corner of the Northwest Community Plan; northwest of the City of Leon Valley. The subject property, approximately 8.76 acres, is currently undeveloped and bordered by Industrial Land Uses to the east and north west, High Density Residential to the west, Mixed Use to the north, and Community Commercial to the south. A commercial center with various retail uses is located immediately to the east of the subject property; across Bandera Road.

The Northwest Community Plan provides Regional Commercial uses for offices, professional services, and retail uses that draw on the customer base of a region. Examples include "big box" retail and retail "power centers", shopping malls, movie theaters, and medical or office complexes that are mid to high rise. Regional Commercial uses are typically located at nodes formed by highways and major arterials, or two major arterials, and are usually 20 acres or greater in size. Bandera Road is a major arterial, accommodating mostly commercial uses.

Although High Density Residential uses have been designated to the west of the subject property, there are no single family residences or Low-Density residential uses in the immediate vicinity.

A land use plan update from Community Commercial to Regional Commercial will be required for this zoning change request.

Staff recommends approval of the request as submitted.

☐ Request conforms to Land Use Plan

☒ Request does not conform to Land Use Plan

☐ Consistency not required because base zoning not changing.

Staff Recommendation:

☒ Approval pending a plan amendment

☐ Denial

☐ Alternate Recommendation:

Reviewer: Gary Edenburn

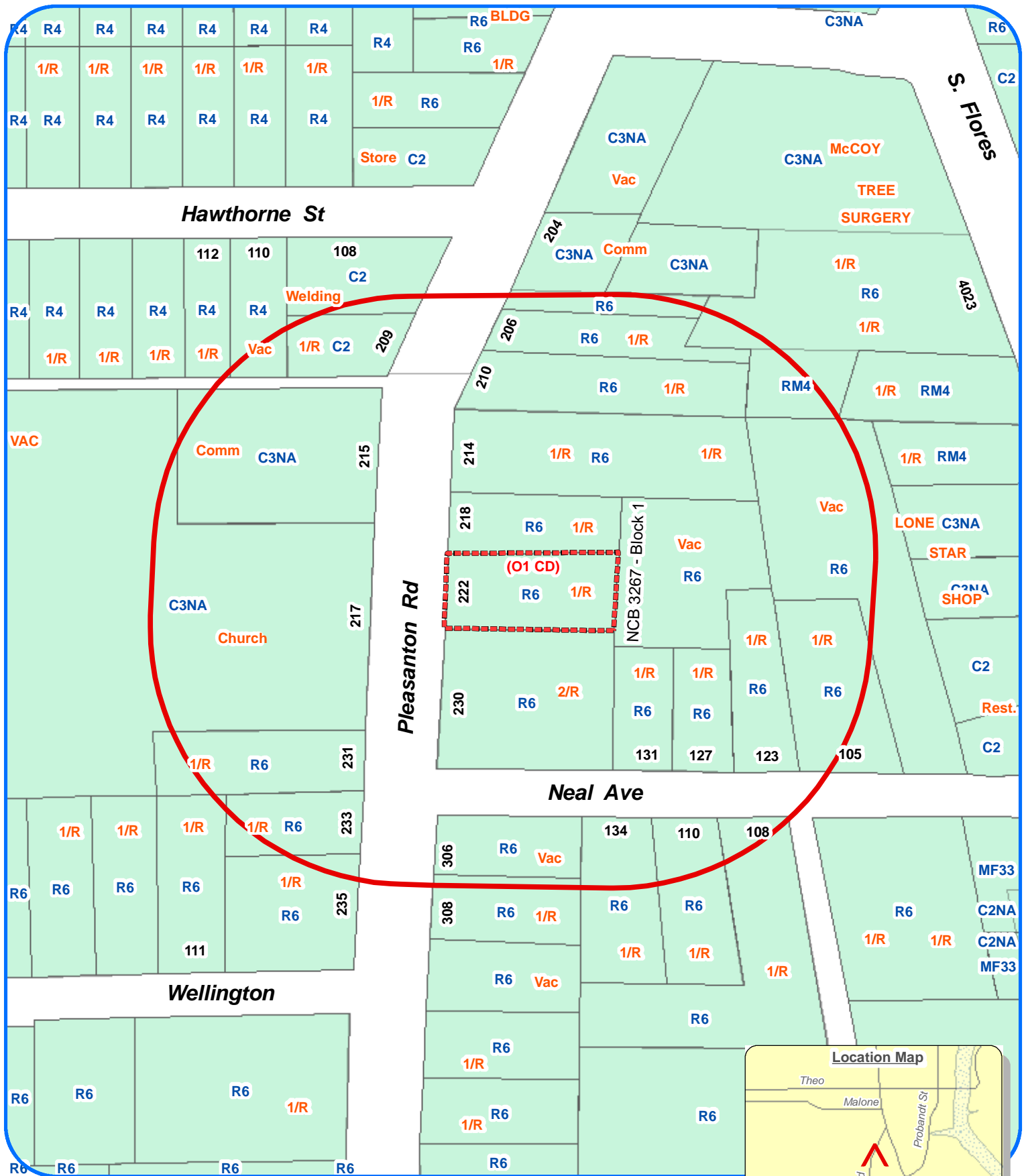
Title: Senior Planner

Date: 1/28/09

Manager Review: Andrea Gilles

Date: 2/09/09

03/28/2008



Zoning Case Notification Plan

Case Z2009-048 CD

Council District 3

Scale: 1" approx. = 100'

Subject Property Legal Description(s): North 48 feet of Lot 3 and the North 8 feet of Lot A NCB 3267 Blk 1

Legend

Subject Property (0.168 acres)

200' Notification Buffer

Current Zoning

R6

Requested Zoning Change

(O1 CD)

100-Year FEMA Floodplain



City of San Antonio
Planning - Development Services Dept.
2/11/2009
D. E. Castillo

CASE NO: Z2009048 CD

Final Staff Recommendation - Zoning Commission

Date: March 17, 2009

Council District: 3

Ferguson Map: 650 D3

Applicant Name:

Owner Name:

Raul R. Gonzalez and Alice Gonzalez

Raul and Alice Gonzalez

Zoning Request: From "R-6" Residential Single Family District to "O-1 CD" Office District with a Conditional Use for a Day Care Center.

Property Location: The north 48 feet of Lot 3 and the north 8 feet of Lot A, Block 1, NCB 3267

222 Pleasanton Road

On the east side of Pleasanton Road north of Neal Avenue.

Proposal: To allow for a Day Care Center

Neigh. Assoc. None

Neigh. Plan South Central San Antonio Community Plan

TIA Statement: A Traffic Impact Analysis (TIA) is not required.

Staff Recommendation:

Approval

The subject property, located on the east side of Pleasanton Road north of Neal Avenue, is approximately 0.168 of an acre in size. The existing structure, measuring 960 square feet, was built in 1925 and is currently a vacant single-family dwelling. The property is located within the original city limits. It was originally zoned "R-1" Single-Family Residence District, which converted to "R-6" Residential Single-Family District upon adoption of the 2001 Unified Development Code. Surrounding zoning includes "R-6" to the north, south and west; and "C-3NA" General Commercial, Nonalcoholic Sales District to the west across Pleasanton Road. Surrounding land uses include a single-family dwelling to the north, a three-family dwelling to the south and vacant land to the west; with a church and commercial use to the west across Pleasanton Road. Commercial zoning and land uses exist to the north and farther south along Pleasanton Road. The applicant is requesting a zoning change to allow for a day care center that is intended to accommodate infant care for teenage girls attending school in the SAISD. The applicant has two existing daycare facilities in the community and would like another facility at 222 Pleasanton Road for infant care only. The proposed zoning district would not limit the use to just this intended type of day care.

Staff finds the requested zoning district to be appropriate given the property frontage on Pleasanton Road, a major thoroughfare. The property has unique characteristics that deem it appropriate for "O-1" zoning. The property is within the Pleasanton Road and South Flores Street commercial node. The purpose of the "O-1" district is to accommodate well-designed development sites that provide excellent transportation access, make the most efficient use of existing infrastructure and provide for orderly transitions and buffers between uses. A day care facility at this location can provide convenient child care for this area and beneficial reuse of the existing vacant structure. While the subject tract is surrounded by residential zoning on three sides, "O-1" includes standards that would make it an appropriate transition at this located.

The South Central San Antonio Community Plan designates a future land use of Mixed Use at this location. Mixed Use land use provides for a concentrated blend of residential, retail, professional service, office,

CASE NO: Z2009048 CD

Final Staff Recommendation - Zoning Commission

entertainment, leisure and other related uses at increased densities to create a pedestrian-oriented environment. Although the property is currently single family residential, the designation of a conditional use for a daycare would help to facilitate the transition of the corridor to desired mixed small business. The requested "O-1 CD" zoning and proposed use is consistent with the South Central San Antonio Community Plan.

CASE MANAGER : Pedro Vega 207-7980

Neighborhood and Urban Design Division Zoning Case Review

Zoning Case No.: Z2009048CD

Address: 222 Pleasanton Road

Existing Zoning: R-6

Requested Zoning: O-1 CD

Registered Neighborhood Association(s): N/A

Neighborhood/Community/Perimeter Plan: South Central Community Plan

Future Land Use for the site: Mixed Use

Analysis:

According to the South Central Community Land Use Plan, the subject property is designated Mixed Use. The surrounding land uses are also Mixed Use. Mixed Use provides for a concentrated blend of residential, retail, professional service, office, entertainment, leisure and other related uses at increased densities to create a pedestrian-oriented environment. This classification allows for a mix of uses in the same building or in the same development such as small offices (dentists, insurance professionals, non-profits, etc.), small retail establishments (cafes, shoe repair shops, gift shops, antique stores, hair salons, drug stores, etc.), and high density residential uses. The Mixed Use designation will support Mixed Use District, Urban Development Flex District, TOD, Neighborhood Commercial District, Commercial Districts (except C-3), Office Districts (except O-2), and Multi-Family Residential Districts.

Based on the Proposed Future Land Use map of the plan, the citizens would like this area transitioned to a Mixed Use corridor. One of the goals from the plan update implies, "Mixed uses are desired along the corridors S. Flores Street, Cevallos, S.W. Military Drive, S. Presa Street, **Pleasanton Road**, Probandt Street, and Roosevelt Avenue." (pg. 5)

Although the property is currently single family residential, the designation for Conditional Use of a Daycare would help to facilitate the transition of the corridor to desired mixed small business. The incorporation of a daycare facility would result in activity increase, as parents utilize other services and shop within walking distance along the corridor.

☐ Request conforms to Land Use Plan

☐ Request does not conform to Land Use Plan

☒ Consistency not required because base zoning not changing

Staff Recommendation:

☒ Approval

☐ Denial

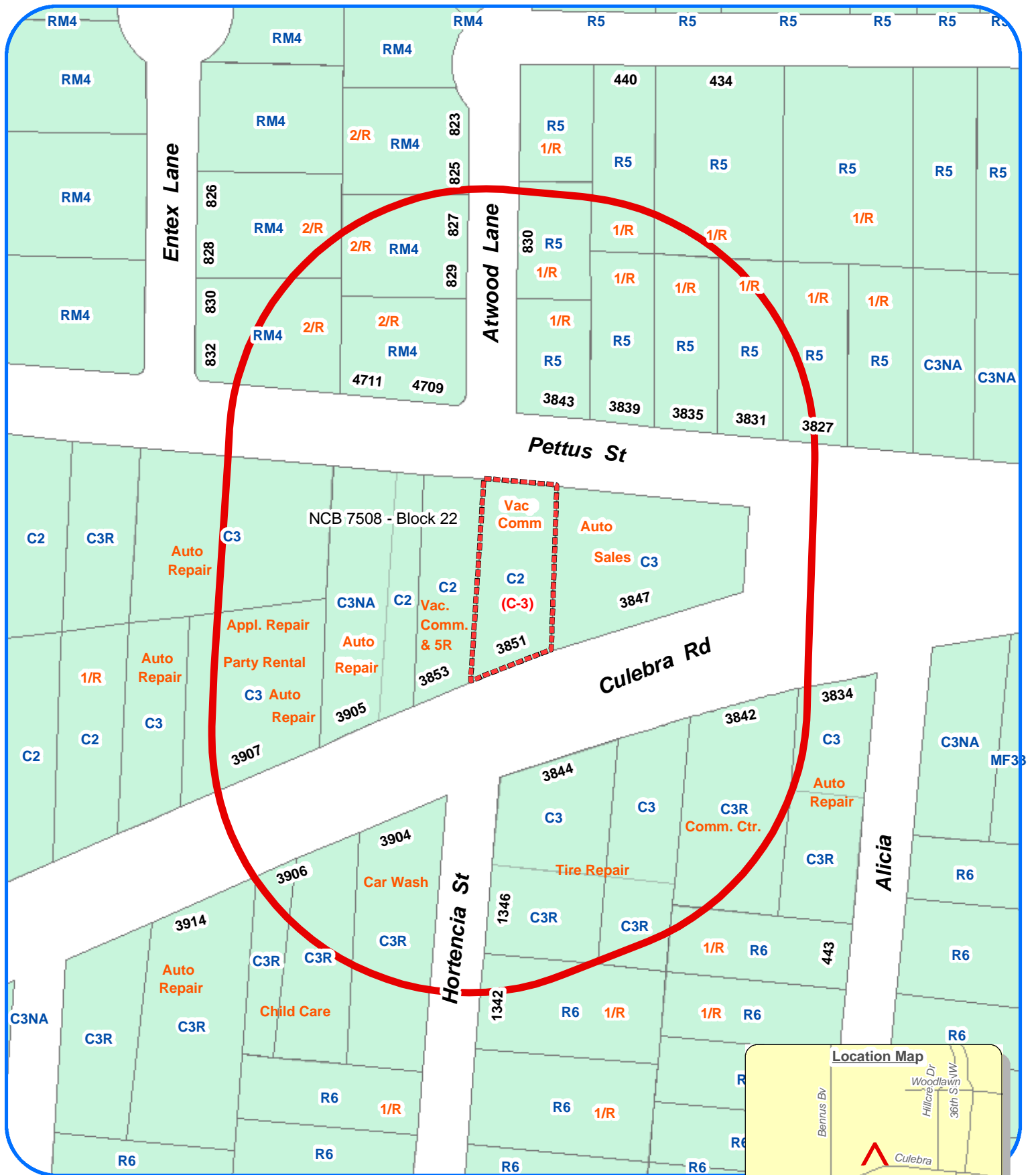
Reviewer: Brad Smilgin

Title: Planner

Date: 02/02/09

Manager Review: Nina Nixon-Mendez

Date: 02/18/09



Zoning Case Notification Plan

Case Z2009056

Council District 7

Scale: 1" approx. = 100'

Subject Property Legal Description(s): NCB 7508 Blk 22 Lot 55,56

Legend

- Subject Property (0.1624 acres)
- 200' Notification Buffer
- Current Zoning C-2
- Requested Zoning Change (C-3)
- 100-Year FEMA Floodplain



City of San Antonio
Planning - Development Services Dept.
2/12/2009
D. E. Castillo

CASE NO: Z2009056

Final Staff Recommendation - Zoning Commission

Date: March 17, 2009

Council District: 7

Ferguson Map: 614 F1

Applicant Name:

Owner Name:

Jesse Renee Rivera

Lilian Gonzales and the Lilia V. Gonzales Trust - Michael A. Gonzales, Trustee

Zoning Request: From "C-2" Commercial District to "C-3" General Commercial District.

Property Location: Lot 55 and Lot 56, Block 22, NCB 7508

3851 Culebra Road

On the north side of Culebra Road, between Hortencia Street and Alicia Street

Proposal: To allow a bar

Neigh. Assoc. Loma Park Neighborhood Association within 200 feet.

Neigh. Plan None

TIA Statement: A Traffic Impact Analysis (TIA) is not required.

Staff Recommendation:

Denial.

The subject property is a through-lot located on the north side of Culebra Road, between Hortencia Street and Alicia Street, and is approximately 0.1624 of an acre. The existing vacant commercial structure measures approximately 1,600 square feet, and was built in 1965. The property was annexed in September 1945, per Ordinance 2590. The subject property was originally zoned "F" Local Retail District. Upon adoption of the 2001 Unified Development Code, the previous zoning converted to the current "C-2" Commercial District. Surrounding zoning includes a mix of "C-2", "C-3R" General Commercial Restrictive Alcohol Sales District, "C-3NA" General Commercial Nonalcoholic Sales District and "C-3" General Commercial District to the northeast, east, south, and west. Zoning districts to the north include "R-5" Residential Single-Family District and "RM-4" Residential Mixed District. Surrounding land uses include intense commercial uses such as party rental, appliance repair, tax prep, child care, salon, and numerous auto-related businesses (repair, sales, and detailing) to the northeast, east, south, and west; with single-family homes and duplexes to the north and farther to the south.

Staff finds the requested zoning to be inappropriate as it would allow many uses which are too intense to be located near residential neighborhoods or on such a small lot. This area of Culebra Road has a high occurrence of "C-3" zoning, which has lead to a large number of intense commercial uses abutting or adjacent to single-family homes. Staff does not support continuing such a trend. "C-3" zoning should be reserved for property at the intersections of freeways and arterials. Additionally, in most instances where "C-3" zoning abuts residential uses, the commercial properties also carry the "NA" Nonalcoholic Sales or "R" Restrictive Alcoholic Sales provision which prevents certain sales of alcoholic beverages. Although the subject property is separated from nearby residences by a street, the property has a rear driveway which leads directly into a residential neighborhood. In addition to concern for the surrounding residential uses, staff believes the subject property to be too small to accommodate the minimum parking requirements. Bars require at least 1 parking space per 100 square feet of gross floor area, which would necessitate approximately 16 parking spaces on the subject property

CASE NO: Z2009056

Final Staff Recommendation - Zoning Commission

CASE MANAGER : Micah Diaz 207-5876

CASE NO: Z2009060 CD

Final Staff Recommendation - Zoning Commission

Date: March 17, 2009

Council District: 1

Ferguson Map: 616 D1

Applicant Name:

Owner Name:

Esther O. Colunga

Esther O. Colunga

Zoning Request: From "R-4 NCD-2" Residential Single Family Alta Vista Neighborhood Conservation District to "R-4 CD NCD-2" Residential Single Family Alta Vista Neighborhood Conservation District with a Conditional Use to allow a four-family dwelling.

Property Location: Lot 7, NCB 6611

125 Hess

On the north side of Hess between North Flores to the east and Aganier Avenue to the west.

Proposal: To allow a four-family dwelling.

Neigh. Assoc. Alta Vista Neighborhood Association

Neigh. Plan Midtown Neighborhoods Plan

TIA Statement: A Traffic Impact Analysis is not required.

Staff Recommendation:

Approval

The subject property is located on the north side of Hess between North Flores Street to the east and Aganier Avenue to the west. The subject property is .1159 of an acre and is occupied by a four-family dwelling that measures approximately 3400 square feet, which was constructed in 1925 with an addition made in 1995. The property is adjacent to R-4 zoning in all directions. The subject property was originally zoned "R-7" Small Lot Residence District. Upon adoption of the 2001 Unified Development Code, the previous zoning converted to "R-4" Residential Single-Family District. The surrounding land uses consist of residential uses to the north, south, east and west. The Alta Vista Neighborhood Conservation District Overlay (NCD-2) was applied to the area in May of 2003.

The applicant is requesting a zoning change to allow three (3) additional utility meters. The subject site contains four dwelling units that are intended for lease. The site currently has only one meter loop. Seeing as there is an existing mix of uses and zoning districts in the general area, a conditional use for four dwelling units would be compatible with the surrounding neighborhood. Four dwelling units would be an appropriate use for the subject property. The Midtown Neighborhoods Plan encourages the conservation of the existing housing stock in the area. The plan calls for Low Density Residential land use for the subject property. However, the plan indicates that structures built as multi-family housing should continue in this capacity even when located within a low density residential area.

Medium density residential developments are encouraged in areas where supporting infrastructure, such as public transportation and commercial facilities are present. The site is located in an area where there is accessibility to public services and traffic circulation to major thoroughfares; North Flores street (a Secondary Arterial "Type B" street) to the east and West Ashby Place (a collector street) to the north. In addition, there is access to VIA bus stops along North Flores Street and West Ashby Place.

CASE NO: Z2009060 CD

Final Staff Recommendation - Zoning Commission

Further, the application of a conditional use provides an opportunity to limit the impact of the proposed use on surrounding properties. The R-4 CD zoning classification would limit the scope of the use allowed and restrict future occupancy should the use cease for 12 consecutive months.

CASE MANAGER : Brenda Valadez 207-7945

Neighborhood and Urban Design Division

Zoning Case Review

Zoning Case No.: Z2009060

Address: 125 Hess

Existing Zoning: R-4 NCD-2, Residential Single-Family District, Neighborhood Conservation District-2

Requested Zoning: R-4 CD NCD-2, Residential Single-Family District, Conditional Use, Neighborhood Conservation District-2

Registered Neighborhood Association(s): Alta Vista Neighborhood Association

Neighborhood/Community/Perimeter Plan: Midtown Neighborhoods Plan

Future Land Use for the site: Low Density Residential uses include single-family houses on individual lots. Low-Density Residential uses can include a limited number of duplexes and granny flats or garage apartments.

Analysis:

The applicant has requested a R-4 CD NCD-2 zoning designation to place individual utility meters on four existing apartments. Currently the apartments utilize one meter loop. The subject property is located within the Alta Vista Neighborhood Conservation District (NCD-2). It is surrounded by low density residential land use and R-4 NCD-2 zoning.

Based on the Midtown Neighborhoods Plan, "One of the neighborhood's highest priorities is to conserve the existing housing stock. The neighborhoods also recognize and appreciate the varying densities found in their residential areas. In recognition of the varying residential densities, the neighborhoods would like to see the structures built as multifamily housing continue in this use, even when located within a LowDensity Residential area".

Because this property was previously developed as multifamily, it may continue to function as such in the Low Density Residential area.

☐ Request conforms to Land Use Plan

☐ Request does not conform to Land Use Plan

☒ Consistency not required because base zoning not changing

Other Comments:

Staff Recommendation:

☒ Approval

☐ Denial

☐ Alternate Recommendation

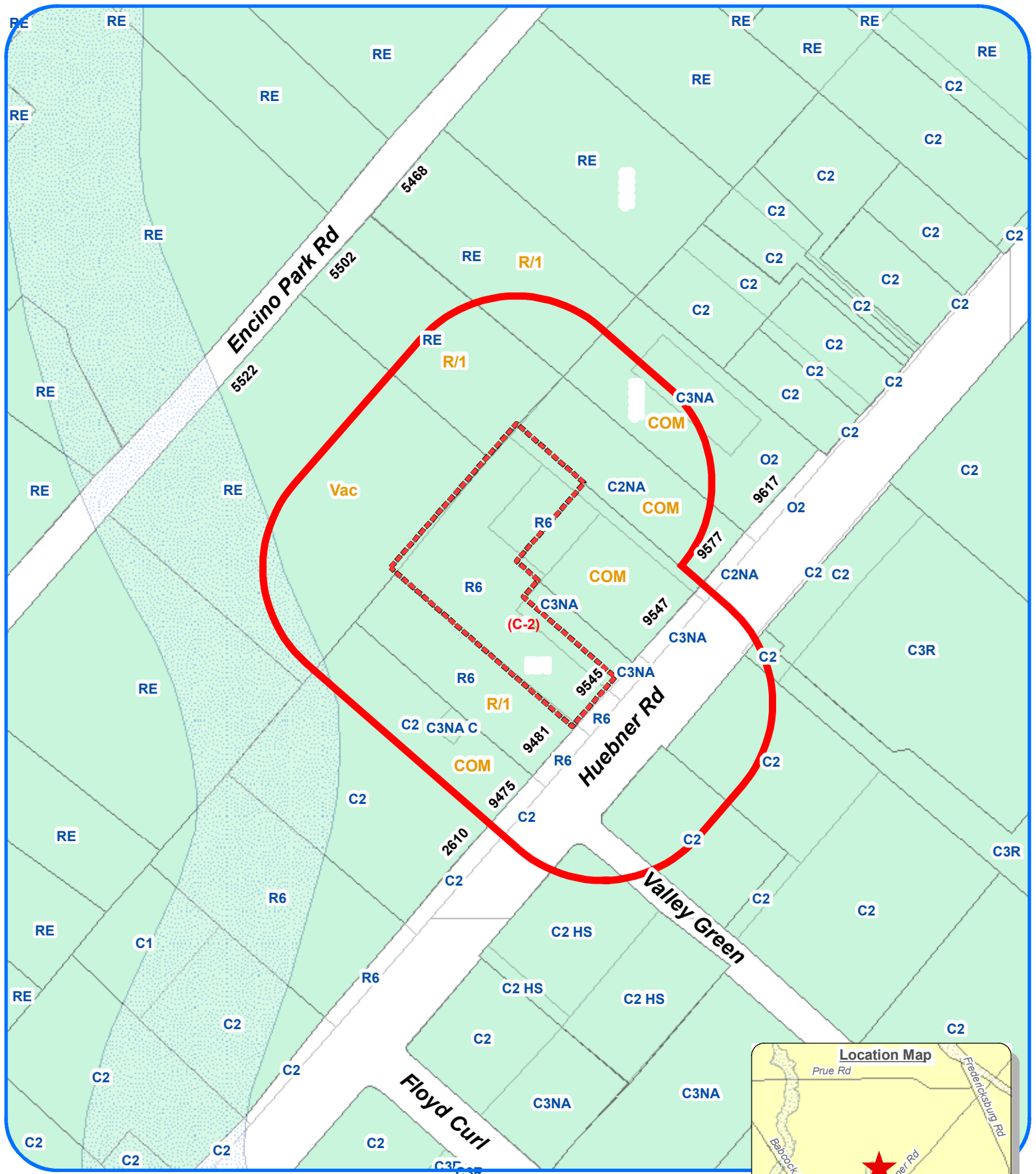
Reviewer: Loretta N. Olson

Title: Senior Planner

Date: 02/11/09

Manager Review: Nina Nixon-Mendez

Date: 02/18/09



Zoning Case Notification Plan

Case Z2009063

Council District 8

Scale: 1" approx. = 100'

Subject Property Legal Description(s): 1.556 acre tract of Lots 13 & 14

Legend

- Subject Property (1.556 acres) -----
- 200' Notification Buffer —————
- Current Zoning R-6
- Requested Zoning Change (C-2)
- 100-Year FEMA Floodplain



City of San Antonio
Planning - Development Services Dept.
2/12/2009
D. E. Castillo

Final Staff Recommendation - Zoning Commission

CASE MANAGER : Leslie Zavala 207-0215

Neighborhood and Urban Design Division Zoning Case Review

Zoning Case No.: Z2009063

Address: 9545 Huebner Road

Existing Zoning: R-6

Requested Zoning: C-2

Registered Neighborhood Association(s): Oakland Estates

Neighborhood/Community/Perimeter Plan: Oakland Estates Neighborhood Plan

Future Land Use for the site: Community Commercial

Analysis:

The applicant has requested a C-2 land use designation to develop a medical office building. The subject property is designated Community Commercial. The surrounding land use designations are also Community Commercial. Community Commercial provides for offices, professional services, and retail uses of moderate intensity and impact. Examples include a grocery store, a medical office, music store, shoe store, nursery, or mailing services store. According to the Oakland Estates Neighborhood Plan, Community Commercial is to be located along arterials.

The designation for Community Commercial would help to facilitate the transition of the corridor to desired business outlined in the plan. Due to business type, proximity to the Medical Center, and location along a major thoroughfare, the incorporation of a medical office facility would result in an increase of beneficial activity.

☒ Request conforms to Land Use Plan

☐ Request does not conform to Land Use Plan

☐ Consistency not required because base zoning not changing

Staff Recommendation:

☒ Approval

☐ Denial

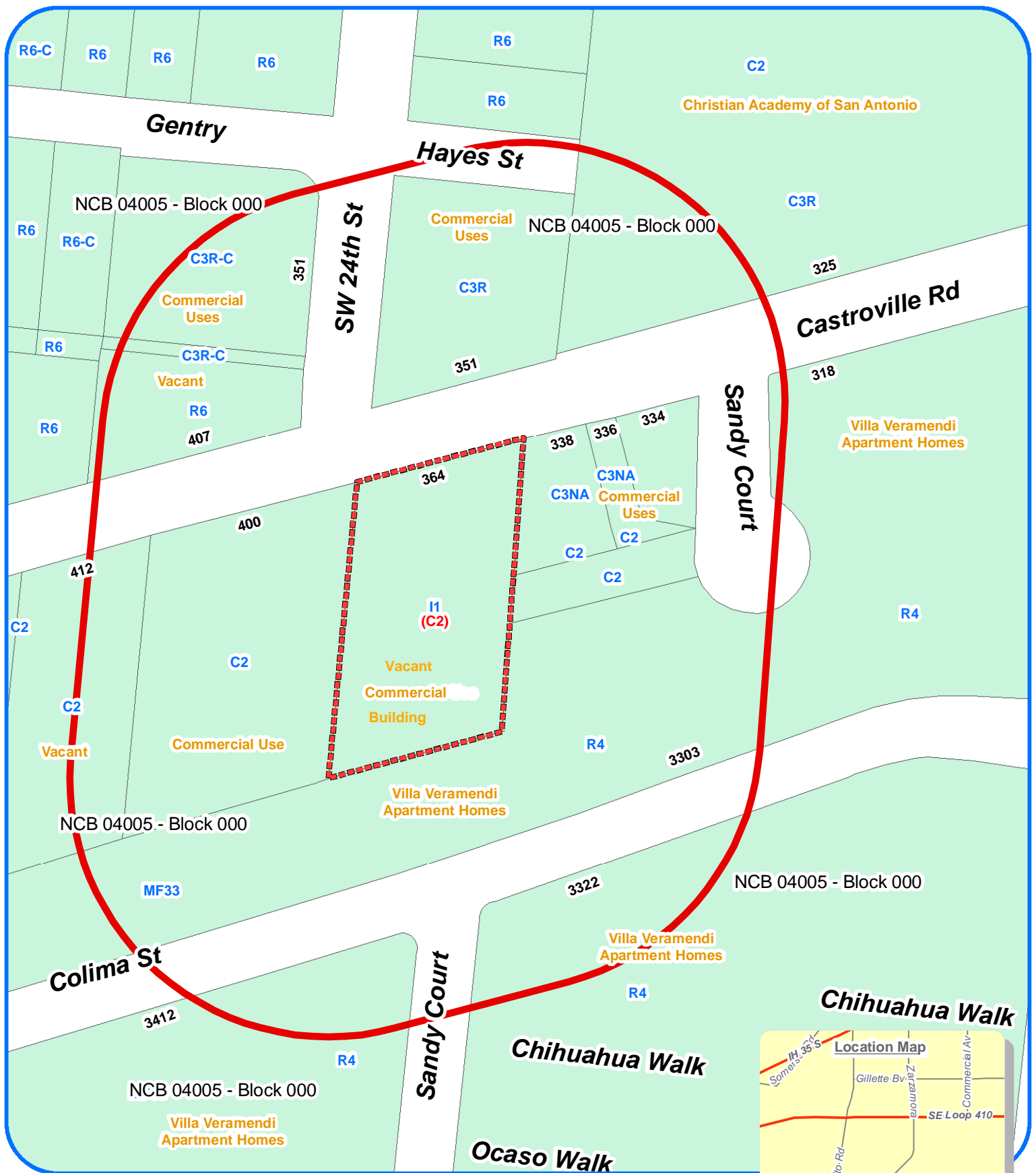
Reviewer: Brad Smilgin

Title: Planner

Date: 02/03/09

Manager Review: Nina Nixon-Mendez

Date: 02/18/09



Zoning Case Notification Plan

Case Z-2009-065

Council District 5

Scale: 1" approx. = 100'

Subject Property Legal Description(s): NCB 3685, Block 20, Lot 6

Legend

- Subject Property (0.6938 Acres)
- 200' Notification Buffer
- Current Zoning **R6**
- Requested Zoning Change **(C2)**
- 100-Year FEMA Floodplain



Planning & Development Services Dept
City of San Antonio
(02/27/2009 - E Hart)

CASE NO: Z2009065

Final Staff Recommendation - Zoning Commission

Date: March 17, 2009

Council District: 5

Ferguson Map: 615 E6

Applicant Name:

Salvador Gonzalez

Owner Name:

Salvador Gonzalez

Zoning Request: From "I-1" General Industrial District to "C-2" Commercial District.

Property Location: Lot 6, Block 20, NCB 3685

364 Castroville Road

On the south side of Castroville Road, southwest of Sandy Court

Proposal: To allow a Barber School

Neigh. Assoc. Prospect Hill Neighborhood Association within 200 feet

Neigh. Plan None

TIA Statement: A Traffic Impact Analysis (TIA) is not required.

Staff Recommendation:

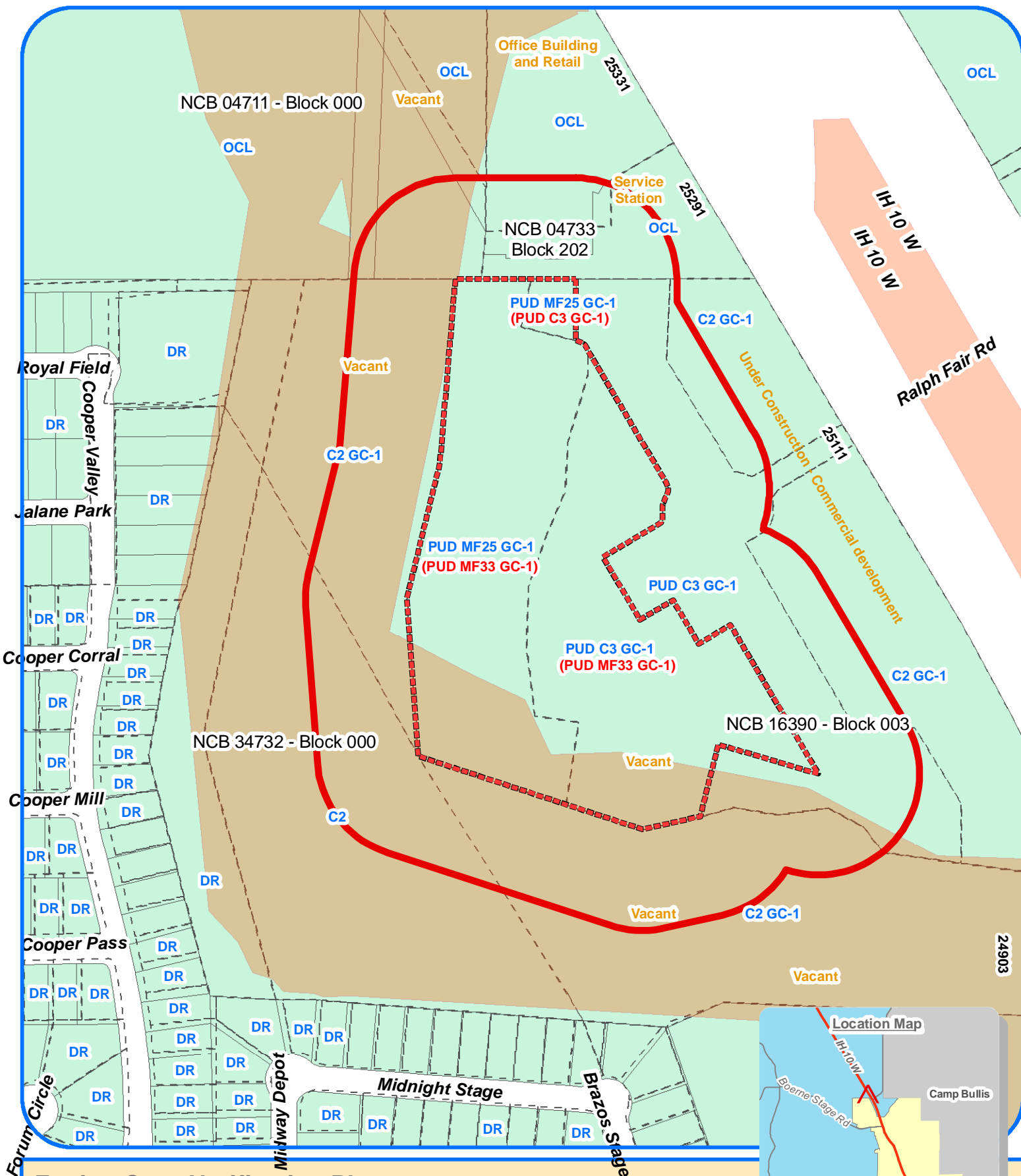
Approval

The subject property is located on west side of San Antonio, and totals approximately 0.6938 of an acre. There is an existing vacant commercial structure on the property, which measures approximately 5,032 square feet and was built in 1960. The subject property was zoned "JJ" Commercial District and converted to "I-1" General Industrial District upon adoption of the 2001 Unified Development Code. Surrounding zoning includes "R-4" Residential Single-Family District to the south and east, "C-2" Commercial District to the west and east with "C-3NA" General Commercial Nonalcoholic Sales District to the east. Property across Castroville Road is zoned "C-3R" General Commercial Restrictive Alcoholic Sales District.

Staff believes that the existing "I-1" zoning classification is not compatible with the commercial character of Castroville Road and that the subject property is unlikely to be utilized for industrial uses. The proposed "C-2" is consistent with the zoning and use pattern of the area and conforms to the general development pattern of Castroville Road. The requested "C-2" zoning a downzoning from the existing "I-1" General Industrial zoning district. The proposed re-use of the existing vacant commercial structure would be a substantial improvement to the neighborhood.

The proposed barber school will be an extension of an existing barber shop, located across the street at 351 Castroville Road. "C-2" would allow a range of uses that would be compatible within the immediate area. Additionally, Castroville Road is capable of serving the amount of traffic "C-2" uses would create. The "C-2" zoning district permits a broad range of retail and service activities designed to serve the community.

CASE MANAGER : Pedro Vega 207-7980



Zoning Case Notification Plan

Case Z2009066

Council District 8

Scale: 1" approx. = 250'

Subject Property Legal Description(s): 11.0945 acres out of Lot 2, Block 3, NCB 16390

Note: Subject Property is within Camp Bullis Awareness Zone

Legend

- Subject Property (11.09 Acres) -----
- 200' Notification Buffer —————
- Current Zoning R6
- Requested Zoning Change (R6)
- 100-Year FEMA Floodplain



Planning & Development Services Dept
City of San Antonio
(03/02/2009 - E Hart)

CASE NO: Z2009066

Final Staff Recommendation - Zoning Commission

Date: March 17, 2009

Council District: 8

Ferguson Map: 479 E1

Applicant Name:

Owner Name:

Drenner & Golden Stuart Wolff, LLP

Rialto Village Limited Partnership

Zoning Request: From "PUD MF-25 GC-1" Planned Unit Development Multi-Family Hill Country Gateway Corridor Overlay District and "PUD C-3 GC-1" Planned Unit Development General Commercial Hill Country Gateway Corridor Overlay District to "PUD MF-33 GC-1" Planned Unit Development Multi-Family Hill Country Gateway Corridor Overlay District (on 10.85 acres) and "PUD C-3 GC-1" Planned Unit Development General Commercial Hill Country Gateway Corridor Overlay District (on 0.2445 of an acre).

Property Location: 11.0945 acres out of Lot 2, Block 3, NCB 16390

25111 IH 10 West

On the west side of Interstate 10, north of Boerne Stage Road

Proposal: To allow multi-family development while also accomodating the current commercial development on the property

Neigh. Assoc. None

Neigh. Plan None

TIA Statement: A Level 1 Traffic Impact Analysis has been submitted; the proposed development reduces the Peak Hour Trips (PHT)

Staff Recommendation:

Approval.

The subject property, located on the west side of Interstate 10 north of Boerne Stage Road, is approximately 11.0945 acres out of a larger 24-acre parcel. The portion of the property subject to rezoning is the western part of the 24-acre parcel. The portion of the parcel that is not included in this request, the eastern portion located along IH-10, is currently being developed with multiple commercial uses. The property was annexed in November 2001, per Ordinance 94499. Upon annexation, the entire property was zoned "DR" Development Reserve District. In a 2002 zoning case, the property was rezoned "C-2" Commercial District. In 2003, in a city-initiated case, the "GC-1" Hill Country Gateway Corridor Overlay District was added to the property. In a 2006 rezoning case, the property was split-zoned into 5.288 acres of "PUD RM-4 GC-1" Planned Unit Development Residential Mixed Hill Country Gateway Corridor Overlay District, and 18.63 acres of "PUD C-3 GC-1" Planned Unit Development General Commercial Hill Country Gateway Corridor Overlay District. In 2007, the 5.288 acre-tract was rezoned to "PUD MF-25 GC-1" Planned Unit Development Multi-Family Hill Country Gateway Corridor Overlay District. Surrounding zoning includes "C-2" and "C-2 GC-1" abutting to the west; "PUD C-3 GC-1" abutting to the east; "C-2 GC-1" and "C-3 GC-1" to the south; with "DR" Development Reserve farther to the west and southwest. Properties abutting to the north and properties to the east across IH-10 are outside of the San Antonio city limit. Surrounding land uses include a larger drainage easement abutting the subject property to the west and south; ongoing commercial construction to the east and farther south; single-family homes farther to the west and southwest; with established commercial uses such as gas stations, offices, banks, and hotels to the north and east across IH-10.

CASE NO: Z2009066

Final Staff Recommendation - Zoning Commission

Staff finds the requested zoning to be appropriate, as it is consistent with the pattern of development in the area. Multi-family uses are appropriate along major thoroughfares, where such uses can support existing and planned commercial development. Additionally, the nearby single-family neighborhoods have separate road access and are buffered from the proposed multi-family zoning by a large, densely vegetated drainage easement. Due to the subject property's location within the Camp Bullis Awareness Zone, this application was reviewed by the City's Office of Military Affairs and the Camp Bullis Military Installation. Seeing that the subject property is located in very close proximity to Camp Bullis, there is concern over lighting in the new development. However, the property is included in the current Military Lighting Overlay District zoning case, and will be subject to the MLOD lighting standards if that case is approved by City Council. Additionally, the Installation Manager at Camp Stanley requests that a comprehensive traffic study be completed before this development goes forward.

CASE MANAGER : Micah Diaz 207-5876



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
US ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, UNITED STATES ARMY GARRISON, FORT SAM HOUSTON
1206 STANLEY ROAD SUITE A
FORT SAM HOUSTON, TX 78234-5001

OCT - 9 2008

Office of the Commander

T.C. Broadnax,
Assistant City Manager and Interim Director
Planning and Community Development
City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283-3966

Robert Murdock, Brig. Gen. USAF (Ret.)
Director, Office of Military Affairs
City of San Antonio
PO Box 839966
San Antonio, Texas 78283-3966

Dear Mr. Broadnax and Mr. Murdock,

Thank you for the opportunity to respond to your staff's October 2, 2008 notification on Plat #070552 an 18 acre development (also referred to as Rialto Village) which is immediately west of Interstate 10 at the Ralph Fair Road exit and approximately 1 mile west of Camp Bullis. This tract which had contained some mature woodland has already been cleared, thus it is too late to provide comments on potential golden-cheeked warbler habitat. We provide the following comments.

All of the Rialto Village tract is within the Camp Bullis 3 mile light buffer zone. Continuing to place high density development within the 3 mile light buffer could also create many light issues for military training operations conducted on Camp Bullis if dark sky lighting is not used. Night-time lighting from new developments is already interfering with night vision goggle (NVG) training on Camp Bullis. Lighting causes a halo effect and can greatly reduce the effective distance for NVGs. Night training (land navigation, helicopters, etc) is done in many different areas of Camp Bullis.

Our concerns on compatibility with Camp Bullis will be addressed as long as the developer commits to incorporate dark sky lighting measures (such as the July 22nd, 2008 Bexar County light order or proposed City of San Antonio equivalent).

My points of contact are Mr. Phil Reidinger at (210) 221-1099 or 336-0449 (cell) or Mr. Jim Cannizzo (210) 295-9830.

Sincerely,

Mary E. Garr
Colonel, US Army
Garrison Commander

CITY OF SAN ANTONIO, TEXAS
PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

TO: San Antonio Zoning Commission

FROM: Roderick J. Sanchez, AICP, CBO, Director

COPY: T.C. Broadnax, Assistant City Manager

SUBJECT: Proposed Unified Development Code amendment related to live entertainment

DATE: March 17, 2009

Summary

A City Council Member request for an amendment to the Unified Development Code (UDC) to better address "live entertainment".

Background:

On January 27, the Planning and Development Services Department received a Council Consideration Request (CCR) asking staff to prepare a modification to zoning regulations in the UDC to include locational criteria for, and to properly define, "live entertainment". The CCR specifically asked staff to identify appropriate zoning districts for live entertainment when coupled with a cover charge levied three or more days per week.

On February 4, City Council's Governance Committee voted to direct staff to develop an appropriate amendment for consideration. The City Council's Infrastructure and Growth Committee will consider the draft amendment language on March 18. We will brief the City South Management Authority (CSMA) Board on March 24 and San Antonio's Planning Commission on March 25. City Council will make a final decision on the amendment in April.

Issue

San Antonio's UDC indicates in which zoning districts individual land uses are allowed or not allowed. Currently, a variety of land uses that often include live entertainment activities in their operation are delineated. However, there is not a separate use category or definition for live entertainment. Live entertainment often has adverse impacts on adjacent or nearby uses.

Policy Analysis and Staff Recommendation

The proposed UDC amendment, with the modification of existing and addition of new definitions and use matrix entries, would assist the City in protecting properties that are situated in close proximity to planned live entertainment activities. Requiring a specific use authorization in the "C-3" General Commercial District would provide an additional level of review to ensure negative impacts are limited. With a specific use authorization through the rezoning process, City Council may impose conditions on the intended use to make it more compatible with nearby uses. Allowing the use by right in the "D" Downtown District would be consistent with development currently permitted Downtown and on the downtown segments of the Riverwalk. The Planning and Development Services Department recommends approval of the draft amendment language included in this packet.



**CITY OF SAN ANTONIO
OFFICE OF THE CITY COUNCIL
COUNCIL CONSIDERATION REQUEST**

RECEIVED
CITY OF SAN ANTONIO
CITY CLERK

2009 JAN 27 PM 4:22

TO: Mayor & City Council

FROM: Councilwoman Diane G. Cibrian

COPIES TO: Sheryl Sculley, City Manager; Leticia Vacek, City Clerk; Edward Benavides, Executive Assistant to the City Manager; Chris Callanen, Assistant to the City Council; Michael Bernard, City Attorney; Catherine J. Hernandez, Special Projects Manager; Ramiro Gonzales, Senior Management Analyst

SUBJECT: Live Entertainment Specific Use Authorization

DATE: January 22, 2009

Issue Proposed for Consideration

I ask for your support for the inclusion of the following item on the agenda of the earliest available meeting of the Governance Committee:

I respectfully request that the Planning and Development Services Department take appropriate steps in bringing forward to the City Council for final action an amendment to Article III of the Unified Development Code (UDC) to require a specific use authorization in appropriate commercial zoning districts for the following use:

- live entertainment when coupled with the levying of a cover charge three (3) or more days per week.

Brief Background

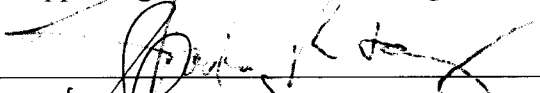


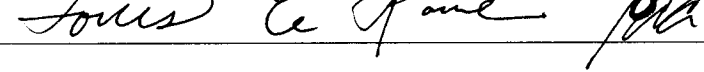
The purpose of a specific use authorization is to provide for certain uses which, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right, but which may, under the right set of circumstances and conditions be acceptable in certain specific locations. These uses are permitted only through the issuance of a specific use authorization by the City Council after ensuring that the use can be appropriately accommodated on the specific property, will be in conformance with the comprehensive plan, can be constructed and operated in a manner which is compatible with the surrounding land uses and overall character of the community, and that the public interest and general welfare of the citizens of the city will be protected. Requiring a specific use authorization in certain zoning districts for the aforementioned land use would allow the City Council, through a zoning change process, to determine if the proposed uses are appropriate at the proposed locations, based on the site plan provided by the applicant and made a part of the ordinance for the specific use authorization.

Submitted for Council consideration
by:


Councilwoman Diane Cibrian, District 8

Supporting Councilmembers' Signatures (4 only)

District No.

1. 
2. 
3. 
4. 

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CLERK
OF THE CITY OF SAN ANTONIO
CITY CLERK

2009 JAN 27 PM 4:22

Proposed Amendments to the Unified Development Code **(Chapter 35 of the City Code)**

35-311 Use Regulations

TABLE 311-2 NON-RESIDENTIAL USE MATRIX													
	PERMITTED USE	O-1	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Function)
Alcohol	Alcohol – Bar And/Or Tavern <u>without Cover Charge 3 or more days per week</u>			S	S	S	P	P	P			P	
<u>Alcohol</u>	<u>Alcohol – Bar and/or Tavern with Cover Charge 3 or more days per week</u>						<u>S</u>	<u>P</u>				<u>P</u>	
Alcohol	Alcohol – Nightclub <u>without Cover Charge 3 or more days per week</u>						P	P	P				
<u>Alcohol</u>	<u>Alcohol – Nightclub with Cover Charge 3 or more days per week</u>						<u>S</u>	<u>P</u>					
<u>Amusement</u>	<u>Live Entertainment without Cover Charge 3 or more days per week (not including Food Service Establishments)</u>						<u>S</u>	<u>P</u>				<u>P</u>	
<u>Amusement</u>	<u>Live Entertainment with Cover Charge 3 or more days per week (not including Food Service Establishments)</u>						<u>S</u>	<u>P</u>				<u>P</u>	
Service	Food Service Establishment <u>without Cover Charge 3 or more days per week</u> — Restaurant, Cafeteria, Delicatessen, Ice Cream Parlor, Buffet, Bar-B-Que (With or Without Ancillary Catering Services) (with or without accessory live entertainment)		P	P	P	P	P	P	P	P		P	
<u>Service</u>	<u>Food Service Establishment with Cover Charge 3 or more days per week (with or without accessory live entertainment)</u>						<u>S</u>	<u>P</u>				<u>P</u>	

APPENDIX A: DEFINITIONS AND RULES OF INTERPRETATION

Sec. 35-A101. Generally.

Bar. See “Tavern”.

Cover Charge. A fee levied by a food service establishment, nightclub or tavern in addition to the charge for food and/or drink.

Live Entertainment. A use which includes any or all of the following activities, either principal or accessory: performance by musicians, dancers, stand-up comedians or other performance artists; karaoke; live bands or musical acts; or the amplification of recorded music/entertainment by live disk jockeys.

Nightclub. A tavern with more than two thousand (2,000) square feet of building area excluding kitchen, restrooms and storage areas. A nightclub use may include, in addition to the provision of alcohol, a dance hall, ~~a dance floor,~~ food services, ~~live bands, disk jockey~~ and/or live entertainment.

Tavern. Any use in which seventy-five (75) percent or more of its gross revenue is derived from the on-premises sale and consumption of alcoholic beverages. A tavern use may include, in addition to the provision of alcohol, ~~a dance floor,~~ food services, ~~live bands, disk jockey~~ and/or live entertainment.

DRAFT